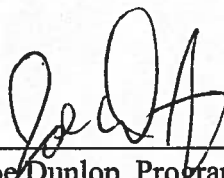


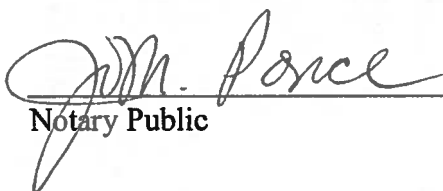
Certification

I hereby certify that I am an officer of the public entity shown below and that I hold the title indicated. The 74 pages attached hereto are true, correct, and accurate copies of the original and current adopted Solid Waste Management Plan for Fannin County and the Cities of Blue Ridge, McCaysville and Morganton, as documented and maintained in my office.



Joe Dunlop, Program Coordinator
Office of Sustainable Development
Georgia Department of Community Affairs

Sworn to and subscribed
Before me this 30th day of November, 2010



Notary Public

JO M. PONCE
Notary Public, Cobb County, Georgia
My Commission Expires Feb. 17, 2012

2004 SOLID WASTE MANAGEMENT PLAN

Submitted Jointly by

**Fannin County and the Cities of Blue Ridge,
McCaysville, and Morganton**

**To the Department of Community Affairs
In Fulfillment of the Minimum Planning Standards and Procedures**

**October 12, 2004
ADOPTION VERSION
AMENDED SPRING 2010**

FOREWORD

This Solid Waste Management Plan has been completed pursuant to the Official Code of Georgia, Annotated, Section 12-8-20 *et seq.*, also known as the Georgia Comprehensive Solid Waste Management Act. The Plan has been prepared according to the Minimum Planning Standards and Procedures promulgated by the Georgia Department of Community Affairs, which are intended to provide a framework to facilitate and encourage integrated, comprehensive solid waste management planning at the local, multi-jurisdictional, and regional levels.

The Plan is organized according to five core planning elements: waste reduction, collection, disposal, land limitation, and education and public involvement. These core elements are preceded by an introductory waste stream analysis and followed by an implementation schedule. Each element of the Plan provides an inventory and assessment of the current status of solid waste management practices in the planning area, derives needs and goals from that assessment, and determines how an effective and comprehensive solid waste management program will be implemented within the jurisdiction.

The Solid Waste Management Act requires that this plan:

- Provide for the assurance of adequate solid waste collection capability and disposal capacity within the planning area for at least ten years from the date of plan completion.
- Promote a program to reduce by 25 percent the per capita rate of municipal solid waste disposed of statewide in solid waste facilities. (FY 1992 is to be considered the base year.)
- Identify solid waste handling facilities within the plan's area as to size and type.
- Identify land areas in the planning area unsuitable for solid waste handling facilities based on environmental and land use factors.

This plan is submitted to the Department of Community Affairs to fulfill these requirements as well as to provide the citizens of the jurisdictions in the planning area a blue print for future solid waste management. To this end, many thanks is extended to those in Fannin County, Blue Ridge, McCaysville, and Morganton who worked to bring this plan to fruition.

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DEFINITIONS

"Composting" means the controlled biological decomposition of organic matter into a stable, odor free humus.

"C & D" C & D is an abbreviation for "Construction and Demolition." Construction and demolition is a term applied to a type of landfill that accepts debris generated from these activities.

"Department" means the Georgia Department of Community Affairs.

"DNR" means the Georgia Department of Natural Resources.

"EPD" means the Environmental Protection Division of the Georgia Department of Natural Resources.

"Household Hazardous Waste" or "HHW" means unwanted household products that are labeled as flammable, toxic, corrosive, or reactive.

"Mulch" is a byproduct typically comprised of materials from land clearing and yard trimmings that have been size-reduced by grinding, chipping, or shredding and used on top of the soil to retain moisture around vegetation or for aesthetic purposes.

"Municipal Solid Waste" or "MSW" means any solid waste generated by households.

"Source Reduction" means actions taken to prevent the generation of waste in the first place.

"The Solid Waste Management Plan" ("Plan" or "SWMP") A plan required by the Georgia Comprehensive Solid Waste Management Act and prepared according to the Minimum Planning Standards of the Department of Community Affairs. This document is a Solid Waste Management Plan.

INTRODUCTION: DEFINING THE JURISDICTION/UNIT

Scope. This is a multi-jurisdictional plan. This is a joint Solid Waste Management Plan for Fannin County, the City of Blue Ridge, the City of McCaysville, and the City of Morganton.

Geographic location. Fannin County, located in northern Georgia, is a predominantly rural county with a land area of 394 square miles. The County is bounded on the north by the states of Tennessee and North Carolina, on the west by Murray County, on the south by Gilmer County, and on the east by Union County (see Map 1). The City of Blue Ridge, located near the geographic center of the County, is the county seat and largest incorporated city. The City of McCaysville, located north of Blue Ridge on Georgia Route 5 and adjacent to Copperhill, Tennessee is nearly equal to Blue Ridge in population. Morganton, also incorporated, is smaller and located east of Blue Ridge on the eastern shore of Lake Blue Ridge.

Topography and Characteristics. The bounds of the county are primarily within the Blue Ridge major land source area/physiographic province. The eastern side of the county and its western panhandle are within this province and range in elevation from 2000 to over 4100 feet. In these areas, mountain slopes are generally 25 percent or greater. Valley slopes in these areas fall between 8 and 25 percent.

A small slice of the Piedmont Province lies within and roughly parallel to Georgia Route 60 Spur. The section is rough and hilly with elevations that range from 1000 to 1700 feet above sea level. Hillside slopes range from 8 to 25 percent and valley floor slopes are usually less than 8 percent (*Fannin County Master Recreation Plan*, 1990).

83.5% of the County is forested; the U.S. Forest Service and the Tennessee Valley Authority own forested lands that total 42% of the county's land area.

Population and Households. According to 2000 Census data, Fannin County had a population of 19,798, Blue Ridge a population of 1,210, McCaysville a population of 1,071, and Morganton 299. The current population growth, fourteen percent, is roughly equal to that of the State of Georgia and has taken place primarily in the unincorporated areas of the county. The unincorporated areas have also seen significant growth in second home construction. Consequently, Fannin County entertains a substantial seasonal population. In 2000, there were 1,938 units reported as being seasonal, recreational, or occasional in use. Using a multiplier of 2.24 as the current number of persons per household, it can be assumed that the summer population in the county increases by approximately 4,360 persons.

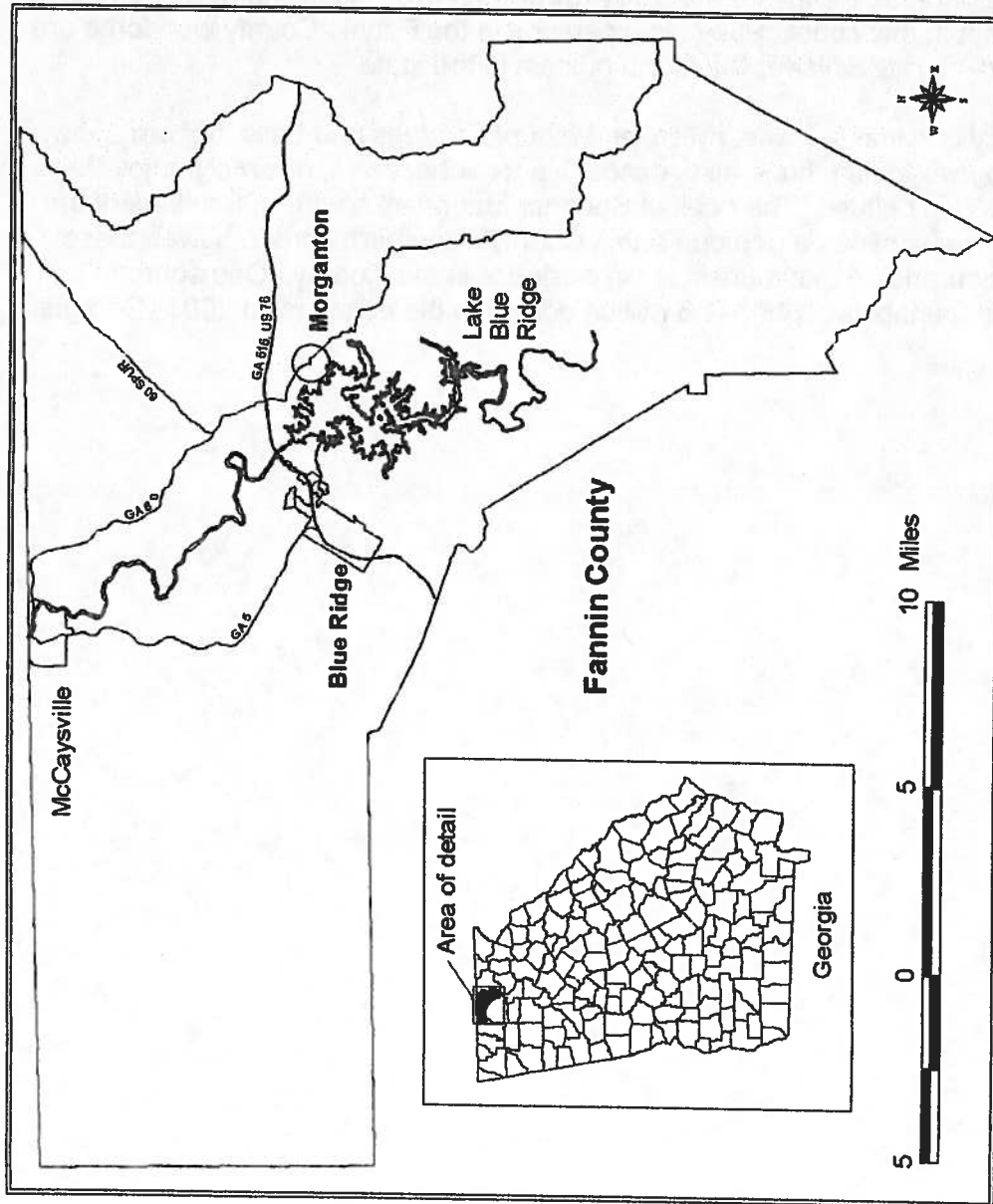
According to the 2000 Census, there were 8,369 households in Fannin County in 2000. Blue Ridge had 553, McCaysville 540, and Morganton 121.

Business. Measured in terms of numbers employed, Fannin County's leading industries are retail trade (19.6 percent), local government (15.7 percent), and manufacturing (14.8 percent). Firms engaged in woodworking, the processing of bottled water, printing, and producing pallets are seen in greater numbers (Georgia Tech).

Small business is the keyword in Fannin County. Small enterprise, in fact, accounts for a major share of business activity. 360 employers (79.5%) in the community employ fewer than 10 people. Nearly 60% employ fewer than five. Additionally, self-employed persons are not in this count. 958 (11%) persons in the Fannin County workforce are self-employed—a rate which is the fourth highest in the state.

Fannin County is home to lakes, rivers, and mountain areas and trails that are a draw for those who love to fish, hunt, hike, canoe, kayak, tube, swim, or simply enjoy the county's mountain culture. The peak of Springer Mountain, southern terminus of the Appalachian Trail, defines a portion Fannin County's southern border. Given these facts, it is not surprising that tourism is big business in the County. One source estimates that tourists brought \$41.6 million dollars to the economy in 2001 (Georgia Tech).

Map 1:
Location of
Fannin County



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WASTE STREAM ANALYSIS

This section is an inventory of waste stream generators and the types of waste they produce. The waste stream generators are residential, commercial, and industrial and the types of waste they produce are food, paper and cardboard, glass, white goods (disposed of appliances), metals, plastics, carpet waste, industrial, rubber tires, yard waste, sludge, and miscellaneous.

Base Year Waste Stream Characterization by Percentage. DCA minimum standards require that each solid waste management plan relying upon a landfill in Georgia for waste disposal have a program in effect to reduce by 25 percent per capita in comparison with per capita solid waste disposal in fiscal year 1992. To this end, base year data were collected.

Trained personnel were assigned to conduct a study over a two-week period in October 1991 in order to determine amount of Fannin County waste by source and type. The personnel were stationed at Fannin County Landfill—a solid waste facility no longer in operation that has been replaced with a transfer station, convenience centers, and associated hauling operation. Source of waste was recorded as well as composition of waste both by weight and volume in twelve different categories.

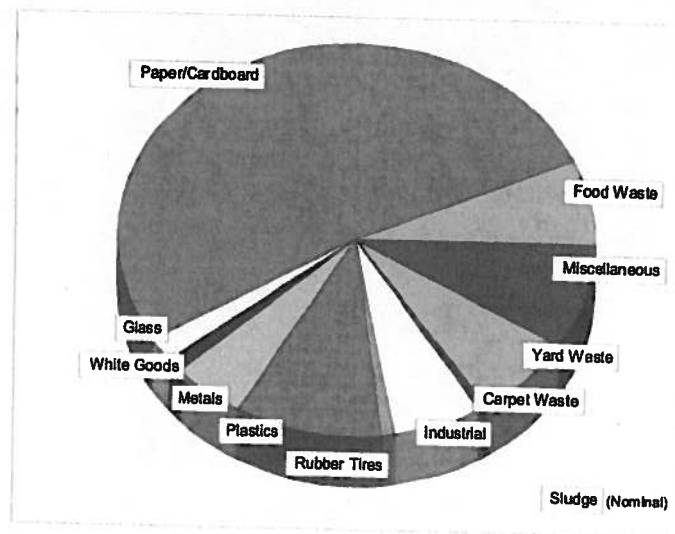
In short, waste stream generators, or sources of waste, were quantified. 45.2% of the waste generated was residential, 30.4% was commercial, and 24.3% was industrial. Personnel also determined percentage by type of waste. Food waste, paper and cardboard, glass, white goods, metals, plastics, carpet waste, industrial, rubber tires, yard waste, sludge, and miscellaneous wastes were tabulated. The results of the base year characterization study follow in Table 1 and are graphically represented in Figure 1.

Table 1
Base Year Waste Stream Characterization
(Percent by source and type)

	Residential	Commercial	Industrial	Percentage of Total Volume
Food Waste	9.7%	3.1%	0.2%	7.0%
Paper/Cardboard	56.3%	59.7%	16.3%	52.1%
Glass	2.2%	1.3%	0.5%	1.8%
White Goods	0.9%	1.0%	2.4%	1.1%
Metals	6.0%	3.7%	2.4%	5.0%
Plastics	0.5%	0.8%	5.2%	10.0%
Carpet Waste	2.5%	6.5%	24.1%	0.8%
Industrial	2.5%	6.5%	24.1%	6.1%
Rubber Tires	0.3%	0.9%	2.4%	0.7%
Yard Waste	8.1%	5.1%	3.7%	6.9%
Sludge	0.1%	0.0%	0.0%	0.1%
Miscellaneous	2.8%	6.9%	40.4%	8.4%
<i>Percent of source</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>
<i>Percent of total</i>	<i>45.2%</i>	<i>30.4%</i>	<i>24.3%</i>	<i>100.0%</i>

Source: NGRDC

Figure 1
Base Year Waste Stream Characterization



Waste Stream Estimates by Weight.

- *Per Capita Waste.* 4.92 pounds of waste were generated per person per day in 2003.

The waste handler in Fannin County, Appalachian Waste Systems, indicates that the county hauled 19,248 tons of waste in 2003. Given an estimated projected population of 21,440 persons in 2003, the yield is 0.8978 tons of waste per person per year, or 4.92 pounds of waste per person per day. The estimated population in Blue Ridge in 2003 was 1195; in McCaysville, 1073; and in Morganton, 301. Using the above derived multiplier, the estimated annual tonnage for 2003 in Blue Ridge was 1073 tons; in McCaysville, 963; and in Morganton, 270.

This tonnage does not include recyclables, white goods, or yard trimmings. These items are already absent from the above given figure. The figure would be higher were these items included.

Waste Stream Projections. Waste stream projections for the ten year planning period are based on the North Georgia RDC annual county population projections published in the Joint Comprehensive Plan for Fannin County, and the Cities of Blue Ridge, McCaysville, and Morganton. Each annual population figure is multiplied by 0.8978 tons of waste per person, the given yield above, to derive annual countywide tonnages.

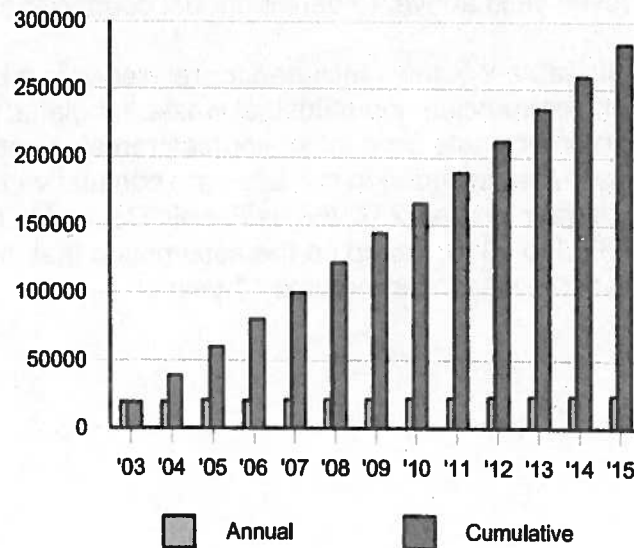
The results are published in Table 2 below. Included for reference is a breakdown of the tonnage, for residential, commercial, and industrial waste, tabulated using the assumption that the proportion of waste from these sources remains unchanged over the ten-year planning period. Also included in the table are cumulative tonnages. The final figure in the lower right hand corner, 283,258, is Fannin County's anticipated total cumulative tonnage from 2003 to 2015, based on the assumption that there is no net reduction in per capita waste disposal over the next 11 years.

Table 2
Projected Waste Stream with Zero Reduction

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Estimated Population	21440	21888	22358	22787	23244	23707	24180	24629	25101	25573	26045	28517	28989
Estimated Waste (tons)	19248	19655	20073	20463	20873	21289	21696	22117	22541	22965	23388	23812	24236
Residential (tons)	8700	8884	9073	9249	9435	9623	9807	9997	10189	10380	10571	10763	10955
Commercial (tons)	5851	5975	6102	6221	6345	6472	6596	6724	6852	6981	7110	7239	7368
Industrial (tons)	4677	4776	4878	4973	5072	5173	5272	5374	5477	5580	5683	5786	5889
Cumulative Tonnage	19248	38903	58976	79439	100312	121801	143297	165414	187955	210920	234308	258120	282356

Source: NGRDC

Figure 2
Projected Waste Stream with Zero Reduction
(in tons)



Waste Stream: Analysis. The intent of the Georgia Comprehensive Solid Waste Management Act is to secure the 25% reduction in total state waste in comparison with FY 1992. Fannin County's average waste in 2003 was 4.92 pounds per person per day. This compares with the state's rate: approximately 6.38 pounds of waste generated per person per day. The dramatic difference between these two figures demonstrates one solid fact: Fannin County is, so to speak, doing "more than its fair share" to keep per capita waste generation to a minimum.

If statewide reduction is the question, then the answer is to cut the fat and not the lean. On a statewide basis, a 25% reduction of 6.38 pounds of waste per person translates to 4.75 pounds of waste per person. Fannin County's strikingly low per capita disposal rate suggests that much has already been done to keep per capita disposal down. This presumption will be an ongoing motif in the presentation of the Plan.

ELEMENT 1: WASTE REDUCTION

Inventory

Appalachian Waste Systems operates three manned convenience centers in the county and one centrally located transfer station. Recycling and waste reduction activities take place through the manned convenience centers. Each convenience center is equipped with containers to receive source-separated recyclable materials. The recyclables that are delivered to the convenience centers are accepted at no charge and are processed for on-site storage and eventual delivery to the market.

Waste reduction and recycling programs. Recyclable materials that AWS accepts are plastic, cardboard, aluminum cans, glass, phone books, and magazines. The aluminum cans are donated to the Fannin County Volunteer Fire Department.

No other organized recycling program activities are carried out.

Yard trimming mulching, composting. Currently, Appalachian Waste Systems has a program to either transport all yard trimmings to an inert landfill in Gilmer County, or to transport them to Robinson and Sons in Fannin County free of charge. Robinson and Sons grinds trees and shrubs for mulch, and takes grass clippings, as well. Yard trimmings are not placed with municipal solid waste. They are beneficially reused or recycled to the maximum extent possible.

According to the county extension agent, most people in the County engage in some form of composting, even if it is only an informal "turning of the trimmings" back into the ground. Very few individuals transport yard trimmings to the transfer station or to the inert landfill in Gilmer County.

Special management items. Electronics, household hazardous waste, lead acid batteries, and white goods are accepted at the transfer station and convenience centers and transported to DHQ Ventures on Loving Road in Fannin County. DHQ ventures pays market value for the metals received from Appalachian Waste.

Other services. Waste reduction also includes reuse, and this includes reuse of household items and clothing. Salvation Army operates a collection program in the county. Although there is no Salvation Army located in Fannin County, Salvation Army of Dalton makes pickups in Fannin County every two weeks. Appointment for pick up must be scheduled. Furniture, clothing, and household items are most frequently collected. Goods are then sold in the Dalton thrift shop to the general public, or by voucher to those in need.

Assessment

Fannin County has a well-functioning recycling program. For each kind of material that is recyclable, an option to recycle exists. Although comprehensive, the impact of the program is limited in that it is passive, rather than active. That is to say that the extent of recycling in the county depends upon the willingness of customers to travel the "extra mile" to the transfer station or to one of the convenience centers to drop off recyclable goods. In essence, those subscribing to garbage collection (see Element 2: Collection) services in Blue Ridge and McCaysville are penalized with an extra "recycling tax," in that they must travel to one of these locations to drop off recyclables that are not collected curbside. Although there is no cost involved in delivering recyclables to a transfer station, there is an additional cost involved in making a trip that could have been avoided had the collection of recyclables been part of the general curbside collection program.

Source reduction programs are generally lacking in the County. Programs involving reuse are either absent, or, such as the Salvation Army bi-weekly pick-up program are administered from a distance.

Needs and Goals

There is a need to decrease amount of waste at the source. There is a need to increase the amount of recycling. There is a need to continue to pursue currently successful composting programs.

1. Source Reduction

Goal 1. To reduce the amount of waste entering the county transfer station through the adoption of policies and objectives aimed at reducing the amount of waste at the source.

Policy A. Educate about and encourage product reuse. Such product reuse may take place through yard sales, church appliance exchanges, and used product retailers such as Goodwill and Salvation Army. The Chamber of Commerce will be responsible for this education through the Fannin County chapter of the Keep Georgia Beautiful program.

Policy B. Educate and encourage businesses catering to the tourist trade to adopt ecologically sound practices that include the reduction of waste materials at the source. Such alternatives include such practices as refraining from the use of papers and plastics in the packaging of food, materials, and other goods at the point of sale. The Chamber of Commerce will be responsible for implementing the policy through the Fannin County chapter of the Keep Georgia Beautiful program.

Policy C. Investigate the willingness of the general public to reuse. "Reuse before recycling" is the key catchphrase. Studying the public's willingness to reuse returnable bottles for products such as milk is one example of such reuse. The Chamber of Commerce will be responsible for implementing the policy through the Fannin County chapter of the Keep Georgia Beautiful program.

Policy D. Establish drop-off centers for reusable materials. The Chamber of Commerce will be responsible for implementing the policy through the Fannin County chapter of the Keep Georgia Beautiful program.

2. Recycling

Goal 2. To reduce the amount of waste entering the county by increasing the amount of recyclables collected, stored, and transferred to the proper handlers.

Policy A. Establish a private-hauler system for the collection of recyclables. Expand the trash collection services in the cities to include the collection of recyclables. Curbside pickup could be made on a monthly basis and could be funded through a mandatory fee that could be applied to water bills in the county as a whole, or simply to the water bills of those receiving collection service. The city councils of Blue Ridge and McCaysville will be responsible for implementing the policy in the cities. The Board of Commissioners will be responsible for implementing the policy in the county.

Policy B. Consider "piggy-back" recycling alternatives. Large retailers such as Walmart may be interested in taking in cardboard packaging from Fannin County sources. Walmart can then sell bulk cardboard at a profit.

Policy C. Accurately record the amount of recyclables collected at the convenience centers. Measuring the effectiveness of a program depends upon accurate record keeping. The Board of Commissioners will work with Appalachian Waste Systems to make sure this policy is implemented.

3. Composting

Goal 3. To reduce the amount of waste transported to public inert landfills by increasing the amount of private composting of yard trimmings.

Policy A. Continue to educate the public about the benefits of home composting and other organically sound methods of disposal of yard wastes. The county extension agent is responsible for carrying out the program.

ELEMENT 2: COLLECTION

Inventory

Blue Ridge. Blue Ridge arranges for the curbside pickup of solid wastes through a private vendor via government contract. Blue Ridge has established a franchise agreement with R & N Disposal of 44 Cox Road in Blue Ridge for an indefinite automatically renewing period. 368 residential customers, or approximately two-thirds of the households, are engaged in the curbside pickup program. A flat fee of \$9.50 per month is charged for the service, a charge that is simply added to monthly water bills. R & N Disposal also provides curbside collection of on-site containers and roll-off containers for commercial institutions. The service is provided for a flat fee that varies from \$20 to \$250 per month depending upon the frequency of the pickup and the number and size of containers involved.

Recycling is not included as part of the local pickup program. Yard trimmings are also not collected. Residents who do not subscribe to curbside pickup service, who wish to recycle, or who wish to dispose of yard trimmings must make their own transportation arrangements for transfer or disposal of these wastes.

Should unforeseen circumstances cause a cessation in the collection services, the Blue Ridge City Council would open bids for another contractor to resume service, a bidding process that would take approximately one month. In the interim, city officials are confident that another local contractor could fill the duty until a permanent contractor is found.

McCaysville. McCaysville also arranges for the curbside pickup of solid wastes through a private vendor via government contract. McCaysville has a franchise agreement with Jackie Rhodes of 4061 Mobile Road in McCaysville. The contract is an ongoing contract that can be broken at any time with 30-day notice by either of the contracting parties. Should there be an unexpected cessation of services, the city would put a new contract up for bid—a process that would take about six weeks. In the case of such a gap in services, McCaysville plans that the Department of Public Works would be responsible for hauling trash until a new contractor could be found.

395 residential customers, or approximately 73% of the population, are engaged in the curbside pickup program. A flat fee of \$9.50 per month is charged for the city-franchised service, a charge that is attached to the each subscribing resident's water bill. The service also provides curbside collection of on-site containers and roll-off containers for commercial institutions. The service is provided for a flat fee that varies from \$15 to \$150 depending upon the frequency of the pickup and the number and size of containers involved.

Recycling is not included as part of the local pickup program. Yard trimmings are also not collected. Residents who do not subscribe to curbside pickup service, who wish to recycle, or who wish to dispose of yard trimmings must make their own transportation arrangements for transfer or disposal of these wastes.

Fannin County. There is no contracted collector for the unincorporated areas of the county. Residents in these areas are responsible for making arrangements for the transfer or disposal of their solid wastes.

The two largest collectors are:

- Hooper's Garbage Service of 40 Oak Hill in Mineral Bluff, and
- W.C. Collins of 3535 Murphy Hill in Mineral Bluff.

Hooper's does not collect recyclable materials. Their business is primarily residential; they have 1250 residential customers—a figure that is 95% of their total customer base. Hooper's charges \$17 per month to make its pick up collection.

W.C. Collins does not collect recyclable materials. Collins is solely a residential operator, billing its residential customers \$17 per month for services.

Others also providing service in the county are:

- Dean's Garbage Service of 2070 Old Loving Road in Blue Ridge, and
- Weaver Garbage Service of 3546 Murphy Highway in Mineral Bluff.

Illegal Dumping. Illegal dumping persists as a minor nuisance in the county. The Land Development Office is responsible for enforcing a countywide ordinance regarding dumping. Land development officers are responsible for patrolling roadsides and handling complaints. Their efforts generate one to two citations per week. Those found dumping are subject to fines, clean up of the garbage dumped, or clean up of one mile of road in the vicinity of the area where garbage was dumped. The measures are seen as adequate.

Assessment

The current program for collection in the cities and in the county is seen as adequate for the residential, commercial, and industrial needs. The present system of open market competition in the unincorporated areas seems ideally suited to the needs of county residents. Likewise, the franchise agreements operable in the cities mitigate the confusion of multiple operators competing within small venues, while at the same time relieving the cities themselves from the obligation of municipal waste collection.

As stated in Element 1, however, there is a problem with collection in that there is currently no provision for the collection of recyclables.

The absence of provision for the collection of recyclables is a huge gap in the collection of waste. Absence of curbside pickup creates a lack of incentive for residential recycling. To be sure, the distance to convenience centers for recycling is a tremendous economic disincentive to recycling.

Needs and Goals

There is a pressing need in the county for an improved method for the collection of recyclables. This need was already addressed in Element 1, Goal 2A.

ELEMENT 3: DISPOSAL

Inventory

The only existing landfill in Fannin County closed in 1994. There are currently no solid waste landfills, tire monofills, inert landfills, or construction and demolition landfills in Fannin County.

The disposal of nearly all trash is handled by Advanced Waste Disposal Services North Georgia of Lakewood Highway in Mineral Bluff. In March of 1995, Fannin County established a waste collection system based on a system of manned convenience centers. The disposal system in Fannin County consists of three manned convenience centers and a transfer station (see Map 2). (*Amended July, 2010*)

Each manned convenience center site is staffed with a full-time employee. The convenience center and transfer stations are open 7 to 5 on Mondays, and 9 to 6 Tuesday through Saturday. They are closed on Sundays.

Rates for the disposal of waste at the transfer station are set by contractual arrangement with the county. Commercial haulers pay bulk rate of \$43.06 applies per ton at the transfer station, and the weight for smaller quantities is \$0.085 per pound at the transfer station and convenience centers.

Each convenience center is fenced with a gate lock and equipped with a self-contained compactor to collect disposable solid waste. In addition, center each center accommodates the collection of recyclable material, including newspaper, magazines, phone books, glass, aluminum cans, and plastic.

Major Plan Amendment (Spring 2010): It is hereby acknowledged that a Settlement Agreement occurred between Advanced Disposal Services (ADS) North Georgia, LLC and Silver Star Environmental Services, LLC, North Georgia Waste, LLC, and Fannin County in August 2009. Such settlement agreement acknowledges that ADS upon expiration of the current solid waste service agreement shall continue to be permitted to operate a municipal solid waste (MSW) and/or construction & demolition (C&D) Transfer Station in Fannin County. And further, that C&D transfer stations shall be limited to operations only at the following locations by the following owners:

1) ADS's MSW and C&D Transfer Station located at 10169 Lakewood Highway, Mineral Bluff, Georgia 30559;

2) Silver Star's C&D Transfer Station located at 302 Tom Boyd Road, Blue Ridge, Georgia; and

3) North Georgia Waste's C&D Transfer Station located at 114 Forge Mill Road, Morganton, GA, 30560.

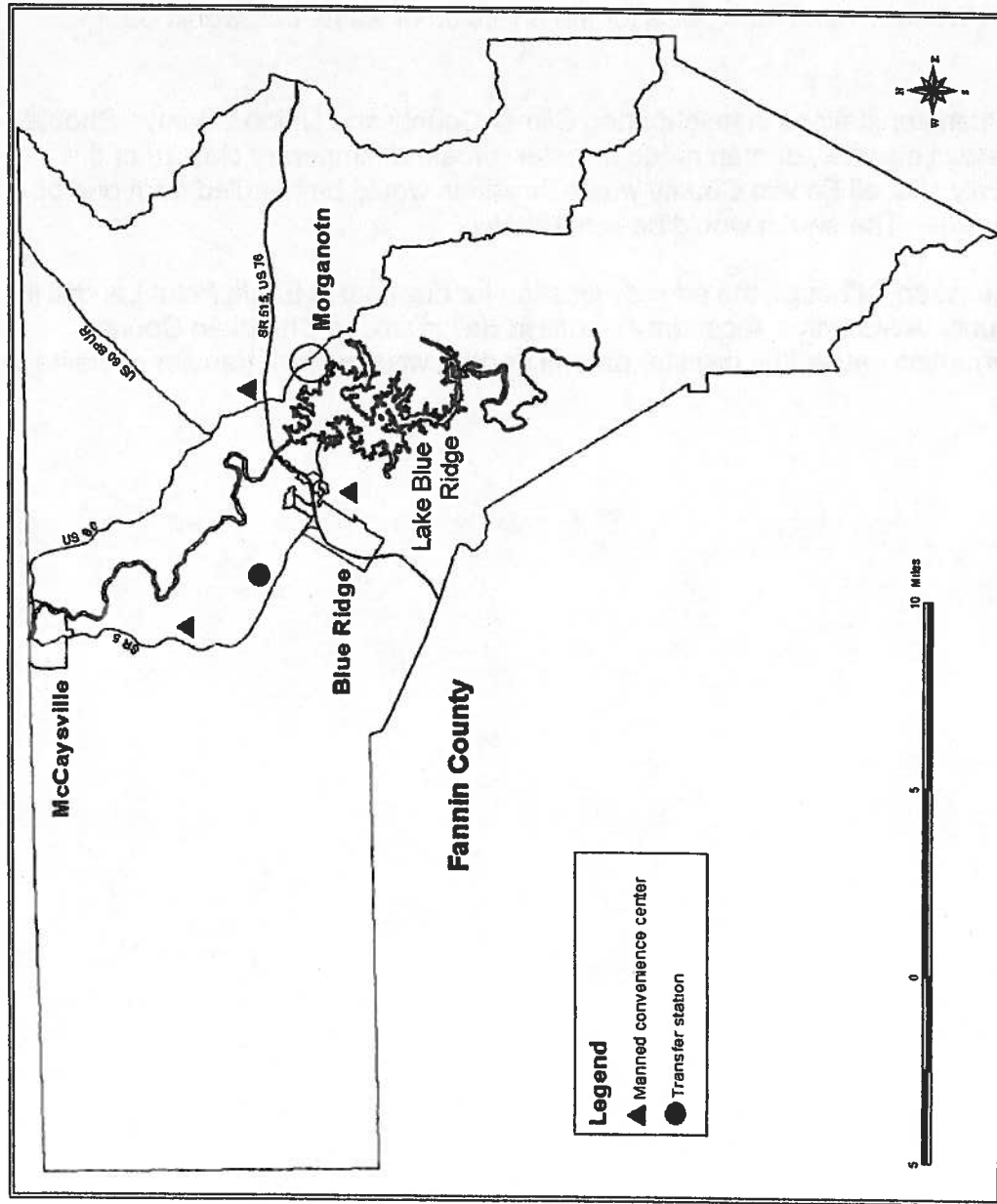
(Amended July, 2010)

Contingency Plan. In case of the threat of unexpected cessation of service due to localized disaster at the point of collection (transfer station) or point of disposal (landfill), Appalachian Waste System has plans for the diversion of waste that would be immediate.

AWS owns transfer stations in neighboring Gilmer County and Union County. Should weather, natural disaster, or man made disaster force the temporary closure of the Fannin County site, all Fannin County waste functions would be handled from one of these other sites. The switch would be immediate.

By the same token, although the primary location for disposal is Eagle Point Landfill in Forsyth County, AWS has a secondary landfill in Ballground in Cherokee County. Should interruption caused by disaster natural or otherwise prevent transfer of waste to

Map 2
Location of
Facilities



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Forsyth County, an immediate diversion would prevent even the temporary cessation of operation.

Should bankruptcy or some similar unforeseen impediment prevent the further operations of AWS, then Fannin County is prepared to step in and take over operations until a suitable replacement for AWS is found. Fannin County officials deem this contingency strategy adequate.

Landfill Disposal. Table 3 below is a Georgia EPD Landfill Volume Report for 2003. The chart shows the landfill name, type, and county, and the amounts of waste reported having been disposed from Fannin County in tons. The final tonnage, 33, 424, differs

Table 3
2003 Disposal Locations

Location	Name	Type	Quarter	Tonnage
Cherokee	Pine Bluff	MSW	1	5,478
Dekalb	Hickory Ridge	MSW	1	1
Forsyth	Eagle Point	MSW	1	2,702
Cherokee	Pine Bluff	MSW	2	39
Dekalb	Hickory Ridge	MSW	2	1
Forsyth	Eagle Point	MSW	2	7,933
Cherokee	Cherokee C&D	C&D	2	19
Cherokee	Pine Bluff	MSW	3	12
Cherokee	Cherokee C&D	C&D	3	80
Forsyth	Eagle Point	MSW	3	8,962
Forsyth	Eagle Point	MSW	3	27
Cherokee	Cherokee C&D	C&D	4	164
Cherokee	Pine Bluff	MSW	4	5
Dekalb	Hickory Ridge	MSW	4	32
Gwinnett	Richland Creek	MSW	4	2
Forsyth	Eagle Point	MSW	4	7,965
2003 TOTAL				33,424

Source: DNR Environmental Protection Division

from the reported AWS amount, 19,248. The difference is likely accounted for as a reporting error in that a load of trash entering the landfill may have made multiple pickups in several counties before entering the landfill. Upon query, the driver may simply report that the delivery is from a single jurisdiction.

Assessment

The difference in the figures between AWS and EPD show that a strong need exists for consistency established in the reporting of waste. Current practice is that haulers report source of waste at the landfill of disposal. A presumed scenario is that loads coming from such haulers as AWS may have had multiple pickup points in multiple counties, but report delivery from only a single jurisdiction. Waste coming from Fannin County may include waste from Union and Gilmer Counties, but may in the end be reported as having come from Fannin County. The EPD figure is substantially higher than the AWS figure for Fannin County and may possibly be accounted for in this way.

Plans for the accommodation for the disposal of waste in the county are seen as adequate; there are no plans for improvement or overhaul of disposal procedures in the near future.

Likewise, contingency plans are seen as adequate. Adequate plans are in place for any unplanned disruption in service in the disposal of waste.

Needs and Goals

There is a need for more accurate reporting of waste tonnages to insure that future programs can be carried out using accurate data for estimation and projection.

Goal 4. To insure more accurate reporting of waste.

Policy A. Establish a system at the point of collection where accurate tonnages of waste from Fannin County are reported. Waste should be accounted for by type and source. The Fannin County Board of Commissioners with work with Appalachian Waste Systems with direction from the DCA.

Policy B. Establish a system at the point of disposal (landfill) where accurate tonnages of waste from Fannin County (and other counties) are reported. Appalachian Waste Systems will work in concert with the DCA and EPD to work to insure and accurate reporting program.

ELEMENT 4: LAND LIMITATIONS

Inventory

The Rules of the Georgia Department of Community Affairs Chapter 110-4-3 Minimum Planning Standards and Procedures for Solid Waste Management provide for the identification of areas in affected jurisdictions that are unsuitable for development for recycling, composting, or solid waste disposal facilities. Natural environmental limitations include water supply watersheds, groundwater recharge areas, wetlands, river corridors, and protected mountains. External criteria for siting that impose limitations include zoning, airport safety, flood plains, and wetlands. Consideration of the Department of Natural Resources applicant actions relating to landfill siting are also mentioned by the Minimum Standards.

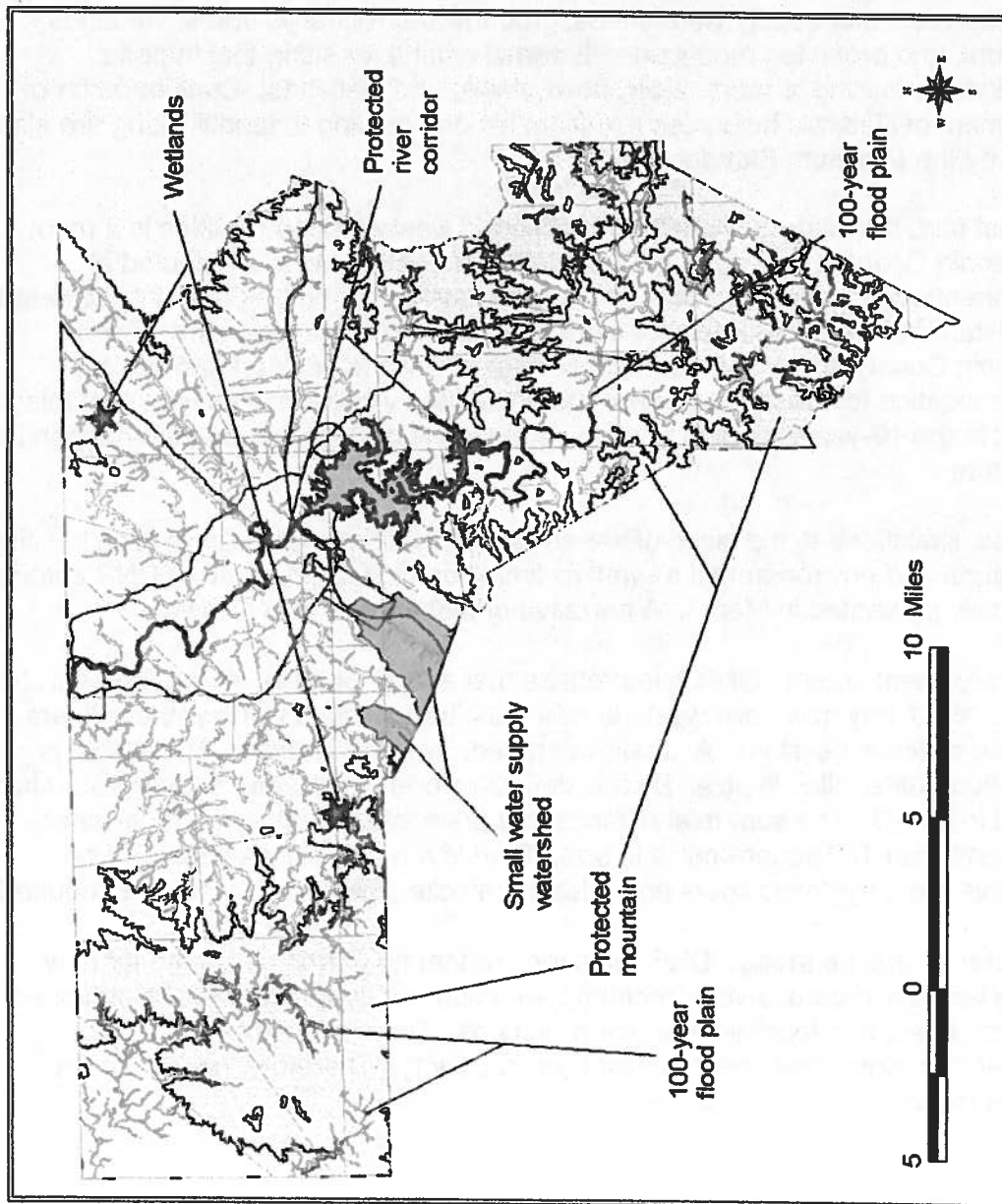
For the most part, the siting of the above-mentioned waste-related facilities is a moot point for Fannin County. All waste and recyclables in the county are collected at previously mentioned collection points and at the transfer station before being exported to points distant. Existing contracts for the transfer of waste are long-term. Even should Fannin County act jointly with neighboring counties to seek an appropriate cooperative location for waste disposal in the immediate vicinity, it is unlikely that this will happen in the 10-year planning horizon, and even less likely that this will happen in the near future.

Nonetheless, limitations to the siting of waste-related facilities exist. Limitations to siting that are natural and environmental as well as limitations to siting related to DNR criteria are graphically presented in Map 3. A narrative of those limitations follows.

Water supply watersheds. DNR rules require that at any location within a small water supply watershed, any new solid waste landfill must be equipped with synthetic liners and leachate collection system. A small watershed, by DNR definition, is one that is less than 100 square miles in size. By this definition, one small water supply watershed is identified in Map 3. The sum total of lands that drain into the Ellijay surface water intake are less than 100 square miles in size. Should a new solid waste landfill be located in this area, synthetic liners and a leachate collection system would be required.

Groundwater recharge areas. DNR rules require that no permit be issued for new solid waste landfills in groundwater recharge areas unless those landfills are equipped with synthetic liners and leachate collection systems. There are, however, no groundwater recharge areas identified for Fannin County. Therefore, no limitations apply in this regard.

Map 3:
Natural
Limitations



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Wetlands. Per DNR regulation, solid waste landfills may constitute an unacceptable use of a wetland. The Environmental Planning Criteria of the DNR single out wetlands greater than 5 acres in size. There are two such wetlands in Fannin County, both of which are identified in Map 3. In addition, there are close to 300 water bodies in Fannin County that are either lakes or wetlands. Further classification and inventory of these water bodies is either not possible or not feasible given the data currently available to the North Georgia RDC. Should the unlikely siting of waste-related facility be necessary in the county, the application for such a facility must be scrutinized for its attention to this legality.

River corridors. DNR regulation expressly prohibits the development of new solid waste landfills in identified protected river corridors. Georgia law defines protected rivers as any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second. Fannin County's one protected river corridor is identified in Map 3. Just south of Lake Blue Ridge, the confluence of Noontootla Creek with the Toccoa River marks the point where river flows are at or above the minimum required to obtain protected river corridor status. Further, the Environmental Protection Criteria establish a 100-foot vegetation buffer measured horizontally from each riverbank on a protected river corridor. Legislation prevents land-disturbing activity within this buffer zone. A new solid waste landfill would be among such restricted land disturbing activities.

Protected mountains. DNR regulation expressly prohibits the development of new solid waste landfills in areas designated as protected mountains. A protected mountain is defined by the Environmental Planning Criteria as all land area above 2,200 feet above sea level that has a slope of 25 percent or greater for at least 500 feet horizontally. Crests, summits, and ridge tops are included in this area. Map 3 reveals that a large portion of the county has protected mountain designation. Although regulation prevents the development of solid waste landfills in this area, the issue is a moot point; most of the area receiving protected mountain classification is currently under the administration of the United States Forest Service and is therefore ineligible for this and many other types of development.

Zoning. DNR rules for siting solid waste facilities require that the site conform to all local zoning and land use ordinances. Specifically, Fannin County, McCaysville, and Morganton currently have no zoning ordinances that make suggestion, direct, delay, or hinder the placement of solid waste facilities within their jurisdictions. Fannin County, however, has had a *Litter Control and Solid Waste Management Ordinance* on the books since April 1990, amended in October 2006, and amended again in June 2009 as *The Solid Waste Ordinance of Fannin County, Georgia*. The latter Ordinance requires that solid waste handling facilities obtain a permit from the County Commission and comply with certain distance requirements from other specific land uses. The latter Ordinance, from 2006 to present, has always acknowledged the permits required by the Georgia Department of Natural Resources, Environmental Protection Division in siting any solid waste facility in Georgia. The City of Blue Ridge is the only excepted

jurisdiction. Per the Blue Ridge Zoning Ordinance, the placement of solid waste landfills is a conditional land use within areas zoned industrial. Solid waste landfills may be placed in industrial areas provided this conditional use is not within 500 feet of existing residential districts. This zoning requirement is so restrictive that areas amenable to the land use are so limited as to make the issue moot and are therefore not identified in Map 3. *(Amended July, 2010)*

Flood plains. According to DNR regulation, any solid waste landfill located in the 100-year flood plain shall not restrict the flow of a 100-year flood, reduce the temporary storage capacity of the flood plain, or result in a washout of solid waste so as to pose a threat to human health or the environment. The contour lines of 100-year flood events are graphically represented in Map 3. The contour lines represent the boundaries of a severe flood that has a one percent likelihood of occurring in any given year, or a probability of occurring once in every 100 years. Although DNR regulation does not expressly prohibit the siting of solid waste landfills in these areas, the regulation is clearly extremely restrictive. Siting of new waste facilities in these areas would deserve extreme scrutiny.

Other considerations. Airport safety is a given DNR concern that does not currently affect Fannin County, as there is currently no private or public airport in operation. Fault areas, seismic impact zones, and unstable areas are mentioned in the regulations, and are generally interpreted in Map 4. This map graphically represents areas the Georgia Department of Natural Resources Environmental Protection Division identifies as geotechnically poorly suited for the construction and/or operation of a sanitary landfill. The DNR worked in conjunction with the U.S. Geological Survey to digitally reproduce this product of the Growth Strategies Legislation Provisional Data.

Of course, actual site investigations, meeting rules for solid waste management, are required before applicant actions relating to landfill siting may proceed. Maps 3 and 4 provide only general direction with as to restrictions and prohibitions relative to the siting of solid waste landfills. Procedural issues remain. Parties wishing to site a solid waste facility or expand an existing solid waste facility must demonstrate a general compliance with the rules and regulations set forth by DNR EPD in Chapter 391-3-4, (Solid Waste Management).

Map 4



This map graphically represents areas of the Geology Department of Natural Resources in Vermont and the Protection Division leases as geologically poor areas for use in construction and for operation of a sanitary landfill. The District Engineer in cooperation with the U.S. Geological Survey designed to represent this problem to the Governor. Statewide legislation prohibits this.

[unscaled map]



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encl: mgrecdptrec.018



Plan Consistency. AWS has an exclusive contract with Fannin County for the disposal of waste. In the unlikely event that another firm should seek to site a solid waste facility or subsequent expansion of that facility in the county, the following rules apply.

No facility will be sited in the unincorporated areas of Fannin County without a letter from the Board of Commissioners stating that the proposed facility is consistent with this Solid Waste Management Plan. To be consistent with the Plan, the owner or operator of the proposed facility shall, prior to filing for a solid waste handling or C&D permit submit to the Board of Commissioners a written statement documenting:

1) how the proposed facility or facility expansion will meet the specific goals and/or needs identified in the Solid Waste Management Plan, specifically identifying

- A) the impact on the collection capability within the planning area;
- B) the impact on the disposal capacity identified in the plan;
- C) the impact on the waste reduction and recycling efforts in the planning area;
- and,

2) how the proposed facility or facility expansion and its operation will impact the community, specifically identifying

- A) the impact to the financial viability of the existing solid waste management system in the planning area;
- B) the impact upon solid waste management rates to residences and businesses;
- C) the impact of the proposed facility or facility expansion upon natural and cultural resources in the planning area; and
- D) the impact of the proposed facility or facility expansion on other aspects of the solid waste management infrastructure in the planning area, both public and private; and

3) that the proposed facility or facility expansion is to be located in an area deemed suitable according to the criteria given in this plan.

The Board of Commissioners shall review this "Written Statement of Consistency" and shall determine if the proposed facility or facility expansion is consistent with this Solid Waste Management Plan. The Board shall notify the project developer if the facility or facility expansion is consistent with the Plan. Should the proposal be deemed inconsistent, the developer shall be granted the opportunity to address these inconsistencies and resubmit a request for a second review.

Assessment

With the exception of Blue Ridge, the county and its incorporated jurisdictions are lacking adequate zoning or other rules and regulations to guide and direct the siting of landfills. Zoning is absent in McCaysville and Morganton; zoning or alternatives to zoning are absent in the unincorporated areas of Fannin County. Fannin County is fortunate in that three-quarters land area is simply unsuitable for the siting of waste-related facilities, as demonstrated in Maps 3 and 4. Much of the other areas are questionable in that they are near population centers or are parts of the county that are more densely populated.

This does not compensate, however, for the proactive control that the applicable jurisdictions could acquire through the adoption of some coordinated set of land use regulations. In short, there is a need for the applicable jurisdictions to take an active role in guiding the siting of waste-related facilities in the county.

Needs and Goals

There is a need for land use regulations to guide or direct the siting of landfills in the county.

Goal 5. To establish comprehensive land use policies in the county and in the cities that guide or direct the siting of landfills.

Policy A. Adopt comprehensive land use regulations as called for in the 2004 Joint Comprehensive Plan for Fannin County and the Cities of Blue Ridge, McCaysville, and Morganton, Element 6: Land Use. The regulations would establish zoning or alternatives to zoning that would discourage the location or expansion of waste-related facilities in areas identified as unsuitable. The Board of Commissioners and the city councils of Blue Ridge and McCaysville would be responsible for implementing the policy.

Policy B. Specify or improve upon a process for the siting of solid waste facilities or expansion of facilities. The Board of Commissioners and the city councils of Blue Ridge and McCaysville would be responsible for implementing the policy.

ELEMENT 5: EDUCATION AND PUBLIC INVOLVEMENT

Inventory

The greatest exchange of information in the county regarding solid waste education takes place informally at the manned convenience centers. These venues generally provide casual contact and between personnel and customers sufficient to impart necessary information relative to source reduction, recycling, composting, and disposal.

There are additional programs, although they are limited in scope. The Chamber of Commerce, for instance, has a Clean and Beautiful program that is part of the larger Keep Georgia Beautiful program. The program engages in an active public education program once a year every year during Keep America Beautiful Week in April. Children in the elementary schools receive bookmarks and engage in a poster-making contest. Maintaining a trash-free environment is the theme. The winner of the contest has his or her poster displayed on a county billboard.

The second active program in the county is the annual Toccoa River cleanup. The cleanup, which covers area both above and below the Lake Blue Ridge dam, occurs in late September or early October each year. Last year, more than two tons of trash was collected. Boy Scouts, Key Club, and other civic organizations get involved each year in the clean up.

Highway clean-up programs such as Adopt-A-Highway generally involve civic groups accepting responsibility for the clean up of road segments at regularly assigned periods of time. Although there currently exist no such programs in Fannin County, they are currently being discussed by the Chamber of Commerce.

The County extension agent has engaged in public education programs. He has literature relative to the proper disposal of pesticide containers. He has also been highly active in promoting composting. Last year, a public program on composting included public service radio announcements as well as a workshop that drew 15-25 attendees.

Assessment

Programs for education and public participation could be expanded. In average Georgia counties this might be considered a small problem, but in a county where such as Fannin County where tourism is a \$41.6 million industry, the inability to preserve natural beauty can spell economic disaster.

Needs and Goals

There is a need for public participation in general, and for participation from ecologically minded tourist-oriented businesses specifically. There is a need for solid waste initiatives. There is a need to implement and expand public education initiatives. There is a need for solid waste policies that promote the county as a progressive, ecologically friendly tourist destination.

Goal 6: Implement new programs using existing mechanisms.

Policy A: Consider creating a Keep Georgia Beautiful Chapter in Fannin County (KFCB) for the promotion of solid waste programs. The Fannin County Chamber of Commerce would be responsible for establishing this program.

Policy B: Establish an Adopt-A-Road program in Fannin County. The Fannin County Chamber of Commerce would be responsible for establishing the program.

Goal 7: Establish a visionary solid waste program.

Policy A. Implement eco-tourism programs that are in concert with the county's tourist-based economy, such as the promotion of eco-tourism certification for tourist related businesses that includes solid waste reuse and reduction programs at point of source. The program would be likely implemented at the county level through the Chamber of Commerce, but could be cooperatively implemented through the Blue Ridge Business Association and the Tri-Cities Business Association, as well.

Policy B. Study and implement alternatives to conventional solid waste disposal. The Fannin County Board of Commissioners would be responsible for studying progressive alternatives to the disposal of waste.

SOURCES

The Georgia Tech Economic Development Institute (2003). *The Economic Development Feasibility of Fannin County, Georgia: Existing Business and Industry Support Assessment*. Atlanta: Author.

North Georgia Regional Development Center. (1990). *Fannin County Recreation Plan*. Dalton, GA: Author.



March 16, 2004

Richard C. Vollrath
Fannin County Commission
400 West Main Street
Suite 100
Blue Ridge, Georgia 30513

Dear Mr. Vollrath:

This letter serves as a disposal capacity assurance for waste generated by Fannin County. The Georgia EPF permit number for this facility is 058-012D (MSWL). This assurance is based upon Fannin County disposing of approximately ~~600~~^{14,248} tons of waste disposal at this facility on an annual basis.

Sincerely,

Gerald Allen
District Manager-Landfill's

Plan and implementation activity	Year to be implemented											Responsible Party	Estimated Cost in dollars	Proposed funding sources	
	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14				
WASTE REDUCTION															
1A. Educate about and encourage product reuse	X	X	X	X	X	X	X	X	X	X	X	X	Chamber of Commerce	Staff Time	General funds
1B. Educate and encourage tourist trade about ecologically sound practices			X	X	X	X	X	X	X	X	X	X	Chamber of Commerce	Staff Time	General funds
1C. Investigate willingness to reuse			X	X	X	X	X	X	X	X	X	X	Chamber of Commerce	Staff Time	General funds
1D. Establish drop-off centers for reusable			X										Chamber of Commerce	Staff Time	General funds
2A. Establish a private-hauler system for collecting recyclables			X										Fannin County Board of Commissioners, Cities of Blue Ridge, McCalysville	Nominal	General funds
2B. Consider "piggyback" alternatives	X	X	X	X	X	X	X	X	X	X	X	X	Chamber of Commerce	Staff Time	General funds
2C. Accurately record the amount of recyclables collected at convenience centers.			X	X	X	X	X	X	X	X	X	X	Fannin County Board of Commissioners, Appalachian Waste Systems	Staff Time	Private
3A. Continue to educate about benefits of home composting	X	X	X	X	X	X	X	X	X	X	X	X	County Extension Agent	Staff Time	General funds
WASTE COLLECTION															
See waste reduction 2A															
WASTE DISPOSAL															
4A. Establish system to report accurate tonnages at point of collection		X											Fannin County Board of Commissioners, Appalachian Waste Systems, DCA	Staff Time	Private
4B. Establish system to report accurate tonnages at landfill		X											Appalachian Waste Systems, DCA, EPD	Staff Time	Private

LAND LIMITATIONS												
5A. Adopt land regulations that discourage the location of solid waste facilities in Fannin County		X									Fannin County Board of Commissioners, Cities of Blue Ridge, McCaysville	General funds
5B. Improve on the process for siting solid waste facilities in Fannin County		X									Board of Commissioners, City Councils of Blue Ridge and McCaysville	General funds
EDUCATION AND PUBLIC INVOLVEMENT												
6A. Consider creating a Keep Georgia Beautiful chapter	X										Fannin County Chamber of Commerce	General funds
6B. Establish an Adopt-A-Road program in Fannin County		X									Fannin County Chamber of Commerce	General funds
7A. Implement eco-tourism programs			X	X	X						Fannin County Chamber of Commerce, Blue Ridge Business Association, and Tri-Cities Business Association	General funds
7B. Study and implement alternatives to conventional solid waste disposal.						X	X	X	X	X	Fannin County Board of Commissioners	General funds

William C. Simonds
Commission Chairman

Garnett B. Webb
Post I commissioner

Steve Morris
Post II Commissioner

Fannin County Board of Commissioners

400 West Main Street, Suite 100
Blue Ridge, Georgia 30513

A RESOLUTION TO ADOPT

WHEREAS, The Georgia Comprehensive Solid Waste Management Act requires county and municipal governments to prepare a local solid waste management plan, periodic updates, and to identify major plan amendments; and

WHEREAS, Fannin County, Georgia has complied with the Rules of the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Solid Waste Management for public participation, including a joint public hearing held at the Fannin County Courthouse on Tuesday, April 13, 2010, at 6:00 p.m. to acknowledge major plan amendments; and

NOW, THEREFORE, BE IT RESOLVED by the Fannin County Board of Commissioners that the subject major plan amendments are inserted in the *Solid Waste Management Plan for Fannin County, Blue Ridge, McCaysville, and Morganton, 2004-2013* as approved by the Northwest Georgia Regional Commission and the Georgia Department of Community Affairs, and such document including these amendments is hereby officially adopted.

SO RESOLVED THIS 13th DAY OF JULY, 2010.


William Simonds, Chairman
Fannin County Board of Commissioners

ATTEST:


Rita Davis, County Clerk

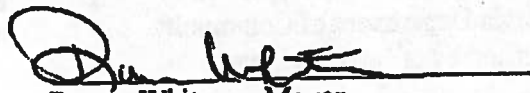
A RESOLUTION TO ADOPT

WHEREAS, The Georgia Comprehensive Solid Waste Management Act requires county and municipal governments to prepare a local solid waste management plan, periodic updates, and to identify major plan amendments; and

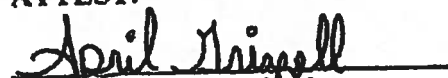
WHEREAS, Blue Ridge, Georgia has complied with the Rules of the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Solid Waste Management for public participation, including a joint public hearing held at the Fannin County Courthouse on Tuesday, April 13, 2010, at 6:00 p.m. to acknowledge major plan amendments; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Blue Ridge that the subject major plan amendments are inserted in the *Solid Waste Management Plan for Fannin County, Blue Ridge, McCaysville, and Morganton, 2004-2013* as approved by the Northwest Georgia Regional Commission and the Georgia Department of Community Affairs, and such document including these amendments is hereby officially adopted.

SO RESOLVED THIS 13th DAY OF JULY, 2010.


Donna Whitener, Mayor
City of Blue Ridge

ATTEST:


April Grizzell, City Clerk

JAMES R.A. FINCH
Mayor
NANCY GODFREY
City Clerk

CITY OF MCCAYSVILLE

223 Blue Ridge Drive
P.O. Box 33
McCaysville, Georgia 30555
Phone 706/492-4924
Fax 706/492-3624

MEMBERS OF COUNCIL

Charles W. Pittman
Mayor Pro-tem

J.D. Arp
Edward Massengale
Tommy Quintrell
William B. Rymer

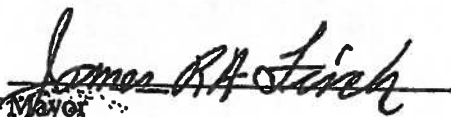
A RESOLUTION TO ADOPT

WHEREAS, The Georgia Comprehensive Solid Waste Management Act requires county and municipal governments to prepare a local solid waste management plan, periodic updates, and to identify major plan amendments; and

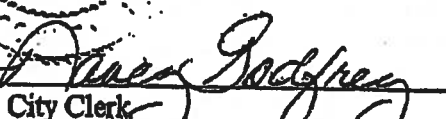
WHEREAS, McCaysville, Georgia has complied with the Rules of the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Solid Waste Management for public participation, including a joint public hearing held at the Fannin County Courthouse on Tuesday, April 13, 2010, at 6:00 p.m. to acknowledge major plan amendments; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of McCaysville that the subject major plan amendments are inserted in the *Solid Waste Management Plan for Fannin County, Blue Ridge, McCaysville, and Morganton, 2004-2013* as approved by the Northwest Georgia Regional Commission and the Georgia Department of Community Affairs, and such document including these amendments is hereby officially adopted.

SO RESOLVED THIS 13TH DAY OF JULY, 2010


Mayor
City of McCaysville

ATTEST:


City Clerk
City of McCaysville

City of Morganton
County of Fannin
State of Georgia

A RESOLUTION TO ADOPT

WHEREAS, The Georgia Comprehensive Solid Waste Management Act requires county and municipal governments to prepare a local solid waste management plan, periodic updates, and to identify major plan amendments; and

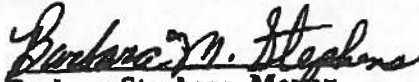
WHEREAS, Morganton, Georgia has complied with the Rules of the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Solid Waste Management for public participation, including a joint public hearing held at the Fannin County Courthouse on Tuesday, April 13, 2010, at 6:00 p.m. to acknowledge major plan amendments; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Morganton that the subject major plan amendments are inserted in the *Solid Waste Management Plan for Fannin County, Blue Ridge, McCaysville, and Morganton, 2004-2013* as approved by the Northwest Georgia Regional Commission and the Georgia Department of Community Affairs, and such document including these amendments is hereby officially adopted.

SO RESOLVED THIS 13th DAY OF JULY, 2010.

City of Morganton, Georgia

By:


Barbara Stephens, Mayor


Mike England, Council Member


Bill Kendall, Council Member


Tony Vecchio, Council Member

CERTIFICATION

I do hereby certify that the above is a true and correct copy of the said resolution duly adopted by the Council on date so stated in said resolution.

I further certify that I am the Clerk of the Council and that said resolution has been duly entered in the official records of said council meeting and remains in full force and effect this 13th day of July, 2010.

ATTEST:


Joyce R. Waters, City Clerk

FIVE-YEAR UPDATE

For The

2004

JOINT SOLID WASTE MANAGEMENT PLAN

Submitted Jointly By

Fannin County and the Cities of Blue Ridge,

McCaysville, and Morganton

To the Department of Community Affairs

In Fulfillment of the Minimum Planning Standards and Procedures

October 31, 2009

Draft Version

FOREWARD

This Solid Waste Management Plan, Five-Year Update has been completed in compliance with the Minimum Planning Standards and Procedures promulgated by the Georgia Department of Community Affairs. The Five-year Update includes: A Report of Accomplishments for the years 2004-2009; a new Implementation Schedule in the form of a new Five-Year Short-Term Work Program for the years 2010-2014; and an Assurance Letter that 10-years of disposal capacity remains for Fannin County, Blue Ridge, McCaysville, and Morganton.

In compliance with creating public participation opportunities, this Solid Waste Plan was the subject of an initial public hearing on August 25, 2009 to explain the planning process. A second and final public hearing was held on October 27, 2009 which allowed the public the opportunity to review the draft plan as proposed and to make contributory comments on the draft document. At the conclusion of this last hearing, the local governments, jointly participating in this plan update, each adopted a Transmittal Resolution to initiate the State review process.

2009 REPORT OF ACCOMPLISHMENTS
of the Fannin County Joint Solid Waste Management Plan
Proposed Implementation Schedule, 2004 - 2014

ACTIVITY	YEAR PROPOSED	STATUS				Explanation if postponed or dropped
		Complete	Underway	Postponed	Dropped	
WASTE REDUCTION						
1A. Educate citizens and establish product reuse programs such as a community thrift store.	2004 to 2014		X			It was intended to establish a Keep Fannin Beautiful organization that would assume responsibility for implementing activities 1A – 1D; however, this organization was not created. Item 1A was affected, in part, by three thrift stores that created programs to benefit Women and Children's Shelters, one thrift store to benefit Habitat for Humanity, one for the animal shelter, and one for a missionary.
1B. Educate and encourage local businesses to implement good waste reduction practices	2006 to 2014			X		
1C. Investigate the public's willingness to reuse waste materials	2006 to 2014			X		
1D. Establish drop-off centers for reusable materials	2006			X		There is still a desire to establish a Keep Fannin Beautiful Organization.
2A. Establish a private-hauler system for collecting recyclables in Blue Ridge and McCaysville	2006			X		This is still under consideration and will be pursued more aggressively in the next couple of years.
2B. Work with large retailers for collecting recyclables	2006 to 2014		X			Many of the larger retailers have established programs, whereby consumers can bring recyclable materials back to the store.
2C. Accurately record the amount of recyclables collected at convenience centers.	2006 to 2014	X				The county's contractor for manning the convenience centers regularly reports to the county on the amount of recyclables collected.
3A. Continue to educate about benefits of home composting	2004 to 2014	X				The Cooperative Extension Service regularly publishes articles on the benefits of composting.
WASTE COLLECTION						
See waste reduction 2a						
WASTE DISPOSAL						
4A. Establish a system to report accurate tonnages collected from convenience centers	2005	X				The county's contractor for manning the convenience centers regularly reports to the county on the amount of waste collected and transferred to an out-of-county landfill.
4B. Establish a system to report accurate tonnages at landfill	2005	X				
LAND LIMITATIONS						
5A. Adopt land regulations that discourage the location of landfill facilities in Fannin County	2006		X			This issue was partially addressed in a new litter control ordinance that was adopted in 2009, but more specific regulations should be adopted.
5B. Improve on the process for siting solid waste facilities in Fannin County	2006		X			This issue was partially addressed in a new litter control ordinance that was adopted in 2009, but more specific regulations should be adopted.
EDUCATION AND PUBLIC INVOLVEMENT						
6A. Consider creating a Keep Georgia Beautiful chapter	2004			X		See comments under Waste Reduction, Items 1A – 1D.
6B. Establish an Adopt-A-Road clean up program in Fannin County	2005			X		This was also going to be a function of the proposed Keep Fannin Beautiful Organization.
7A. Implement eco-tourism programs that provide certifications to businesses that recycle or reuse	2006 to 2008			X		This was also going to be a function of the proposed Keep Fannin Beautiful Organization
7B. Study and implement alternatives to conventional solid waste disposal.	2008 to 2014	X				This is an on-going activity that takes place as part of the process for contracting with a private entity to man the convenience centers and transport waste and recyclables to out-of-county facilities.

Implementation Schedule

The following strategies are intended to achieve the needs and goals.

Solid Waste Management Plan Implementation Schedule for Fannin County and the Cities of Blue Ridge, McCaysville, & Morganton

Project or Activity	2010	2011	2012	2013	2014	Responsible Party	Cost Estimate	Funding Source
WASTE REDUCTION								
1A. Educate citizens and establish product reuse programs, such as a community thrift store.	x	x	x	x	x	Keep Fannin Beautiful Committee to be created by Fannin Commissioners	Staff time	General Fund (Minimal)
1B. Educate and encourage tourist trade about ecologically sound practices.	x	x	x	x	x	Keep Fannin Beautiful Committee to be created by Fannin Commissioners	staff time	General Fund (Minimal)
1C. Investigate the public's willingness to reuse waste materials.	x	x	x	x	x	Keep Fannin Beautiful Committee to be created by Fannin Commissioners	staff time	General Fund (Minimal)
1D. Establish drop-off centers for reusable materials.			x	x	x	Fannin County Board of Commissioners; City of Blue Ridge & McCaysville	\$5,000/site	General Fund
2A. Establish a private-hauler system for collecting recyclables in Blue Ridge and McCaysville.			x	x		Blue Ridge and McCaysville	Staff time/private haulers	General Fund
2B. Work with large retailers for collecting recyclables.	x	x	x	x	x	Fannin County Chamber of Commerce	Staff Time	General Fund
WASTE COLLECTION								
See waste reduction 2A.								
WASTE DISPOSAL								

Project or Activity	2010	2011	2012	2013	2014	Responsible Party	Cost Estimate	Funding Source
---------------------	------	------	------	------	------	-------------------	---------------	----------------

LAND LIMITATION

5A. Adopt land regulations that discourage the location of landfill facilities in Fannin County.		x				Fannin County Board of Commissioners	Staff Time	General Fund
5B. Improve on the process for siting solid waste facilities in Fannin County.		x				Fannin County Board of Commissioners	Staff Time	General Fund

EDUCATION AND PUBLIC INVOLVEMENT

6A. Consider creating a Keep Georgia Beautiful Chapter in Fannin County.		x				Keep Fannin Beautiful Committee to be created by Fannin Commissioners	staff and volunteer time	General Funds (Minimal)
6B. Establish "Adopt-a-Road" clean-up programs in Fannin County.		x				Keep Fannin Beautiful Committee to be created by Fannin Commissioners	staff and volunteer time	General Funds
7A. Implement eco-tourism programs that provide certifications to businesses that recycle or reuse materials.		x	x			Keep Fannin Beautiful Committee to be created by Fannin Commissioners	Staff and volunteer time	General Funds

OTHER

Adopt Solid Waste Management Plan, STWP Update	x					All Local Governments	Staff Time	General Funds
--	---	--	--	--	--	-----------------------	------------	---------------



Mr. William Simonds
Fannin County Board of Commissioners
400 West Main Street, Suite 100
Blue Ridge, GA 30513

October 6, 2009

Dear Mr. Simonds:

This letter serves as a disposal capacity assurance for waste generated by Fannin County from 2009 to 2019. The Georgia EPD permit number for this facility is 058-12D-(MSWL). This assurance is based upon Fannin County disposing approximately 11781 tons of waste disposed at this facility on an annual basis.

Sincerely,

Len Nease
Dist. Mgr., Ga. Landfills
O. 678-341-7140
Cell 251-751-6620

8880 OLD FEDERAL RD. • BALL GROUND, GA 30107
Tel (770) 761-2721 • Fax (678) 519-6126

A RESOLUTION TO TRANSMIT

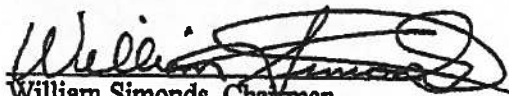
WHEREAS, The Georgia Comprehensive Solid Waste Management Act requires county and municipal governments to prepare a local solid waste management plan and periodic updates; and

WHEREAS, Fannin County, Georgia has completed an update to the *Solid Waste Management Plan for Fannin County, Blue Ridge, McCaysville, and Morganton, 2004-2013*; and

WHEREAS, Fannin County, Georgia has complied with the Rules of the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Solid Waste Management for public participation, including the initial public meeting held August 25, 2009 and the final public meeting held October 27, 2009;


NOW, THEREFORE, BE IT RESOLVED by the Fannin County Board of Commissioners that the Report of Accomplishments, 2004-2009; the Implementation Schedule (Short Term Work Program) Update, 2010-2014; and the capacity assurance letter may be sent to the Northwest Georgia Regional Commission and the Department of Community Affairs for review and approval.

SO RESOLVED THIS 27th DAY OF OCTOBER, 2009.



William Simonds, Chairman
Fannin County Board of Commissioners

ATTEST:


County Clerk

A RESOLUTION TO TRANSMIT

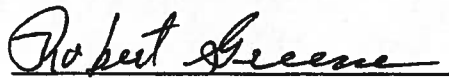
WHEREAS, The Georgia Comprehensive Solid Waste Management Act requires county and municipal governments to prepare a local solid waste management plan and periodic updates; and

WHEREAS, Blue Ridge, Georgia has completed an update to the *Solid Waste Management Plan for Fannin County, Blue Ridge, McCaysville, and Morganton, 2004-2013*; and

WHEREAS, Blue Ridge, Georgia has complied with the Rules of the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Solid Waste Management for public participation, including the initial joint public meeting held August 25, 2009 and the final joint public meeting held October 27, 2009;

NOW, THEREFORE, BE IT RESOLVED by the Blue Ridge Mayor and Council that the Report of Accomplishments, 2004-2009; the Implementation Schedule (Short Term Work Program) Update, 2010-2014; and the capacity assurance letter may be sent to the Northwest Georgia Regional Commission and the Department of Community Affairs for review and approval.

SO RESOLVED THIS 10th **DAY OF** November, 2009.



Robert Greene, Mayor
City of Blue Ridge

ATTEST:


City Clerk

JAMES R.A. FINCH
Mayor
NANCY GODFREY
City Clerk

CITY OF MCCAYSVILLE

223 Blue Ridge Drive
McCaysville, Georgia 30555
Phone 706/492-4921
Fax 706/492-3624

MEMBERS OF COUNCIL

Charles W. Pittman
Mayor Pro-tem

J.D. Arp
Edward Massengale
Tommy Quintrell
William B. Rymer

A RESOLUTION TO TRANSMIT

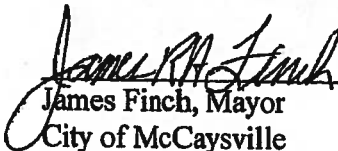
WHEREAS, The Georgia Comprehensive Solid Waste Management Act requires county and municipal governments to prepare a local solid waste management plan and periodic updates; and

WHEREAS, McCaysville, Georgia has completed an update to the Solid Waste Management Plan for Fannin County, Blue Ridge, McCaysville and Morganton, 2004-2013; and

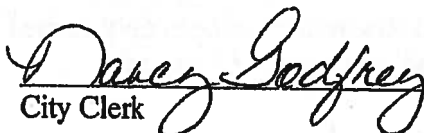
WHEREAS, McCaysville, Georgia has complied with the Rules of the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Solid Waste Management for public participation, including the initial joint public meeting held August 25, 2009 and the final joint public meeting held October 27, 2009;

NOW, THEREFORE, BE IT RESOLVED by the McCaysville Mayor and Council that the Report of Accomplishments, 2004-2009; the Implementation Schedule (Short Term Work Program) Update, 2010-2014; and the capacity assurance letter may be sent to the Northwest Georgia Regional Commission and the Department of Community Affairs for review and approval.

SO RESOLVED THIS 10th **DAY OF** November, 2009.


James Finch, Mayor
City of McCaysville

ATTEST:


City Clerk

A RESOLUTION TO TRANSMIT

WHEREAS, The Georgia Comprehensive Solid Waste Management Act requires county and municipal governments to prepare a local solid waste management plan and periodic updates; and

WHEREAS, Morganton, Georgia has completed an update to the *Solid Waste Management Plan for Fannin County, Blue Ridge, McCaysville, and Morganton, 2004-2013*; and

WHEREAS, Morganton, Georgia has complied with the Rules of the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Solid Waste Management for public participation, including the initial joint public meeting held August 25, 2009 and the final joint public meeting held October 27, 2009;

NOW, THEREFORE, BE IT RESOLVED by the Morganton Mayor and Council that the Report of Accomplishments, 2004-2009; the Implementation Schedule (Short Term Work Program) Update, 2010-2014; and the capacity assurance letter may be sent to the Northwest Georgia Regional Commission and the Department of Community Affairs for review and approval.

SO RESOLVED THIS 11 **DAY OF** November, 2009.

City of Morganton, Georgia

BY:

Barbara Stephens
Barbara Stephens, Mayor

Mike England
Mike England, Council Member

Bill Kendall
Bill Kendall, Council Member

Tony Vecchio
Tony Vecchio, Council Member

CERTIFICATION

I do hereby certify that the above is a true and correct copy of the said resolution duly adopted by the Council on date so stated in said Resolution.

I further certify that I am the Clerk of the Council and that said Resolution has been duly entered in the official records so said council and remains in full force and effect this 11 day of November, 2009.

ATTEST:

Joyce R. Waters
Joyce R. Waters, City Clerk

THE NEWS OBSERVER

Blue Ridge, Georgia

TUESDAY, MAY 12, 2009

34 Pages • 3 Sections • 75 Cents

Solid waste ordinance heading for hearing

By BRIAN K. FINNIGAN

Several changes and modifications to the solid waste management ordinance proposed by the Fannin County Planning Commission were requested by members of the Fannin County Board of Commissioners at a workshop meeting between the two groups May 6.

Commission Chairman Bill Simmons and Post 1 Commissioner Garnett Webb met with planning commission chairman Lane Bishop and members Cheryl Cahill, Bo Chance, Larry Cox, John Foster, Rick LaRosa and Jerry Whitehead. Post 2 Commissioner Steve Morris and planning commission members Chris Chastain and Milton Hunt were not present for the workshop.

Several changes to the already

released draft ordinance were requested by the commission board members and discussed during the workshop.

Key changes requested by the commission board and agreed to by the planning commission included extension of the grace period after written notice of a violation before penalties begin to accrue from 10 days to 30, and changing the responsibility for

determining a violation from the planning commission to the board of commissioners.

The commissioners also requested that a requirement for 28-foot green buffer spaces around solid waste areas be expanded to include existing facilities as well as new ones, and that the evergreen buffer be specified to a minimum of 10 feet in height. Rather than requiring both a

ferge and an evergreen buffer, though, the commissioners said the ordinance should specify that either one or the other would be sufficient.

The commissioners requested, though that the time allowed for existing solid waste facilities to come into compliance with the requirements of the new ordinance be extended from eight months

see WASTE, A2

Continued from front page

to one year, but stated that parking requirements listed in the ordinance for new facilities should also be required of existing ones.

The commission board said a restriction in the ordinance prohibiting new junkyards, including salvage yards, used auto parts yards, recycling centers or any other solid waste facilities within 1,500 feet of any school, public park, child-care facility, hospital, church, subdivision, or forest, watershed or scenic landmark was insufficient. The commission board asked that that restriction be extended to one mile in distance.

completed and if they are enacted.

Simmonds requested that the planning commission have the changes made and a revised draft ordinance ready for a first public hearing at the board of commissioners meeting on Tuesday, May 26.

NOW OPEN

Blue Ridge Laundry
NEW NICE & CLEAN

Spitzy Special
Will Wash, Dry & Fold Your
Queen & King Comforters
King \$18.50
Queen \$15.50
Call Michelle
706-946-2646 (CALL)
located between Bear Run & Jeff

Chapter 58

SOLID WASTE ORDINANCE

Article I. In General

Sec. 58-1	Purpose.
Sec. 58-2	Short title.
Sec. 58-3	Definitions.
Sec. 58-4	Enforcing officers.
Sec. 58-5	Penalty.
Sec. 58-6	Court proceedings.
Sec. 58-7	Severability.
Sec. 58-8	Repeal of conflicting ordinances.
Sec. 58-9	Existing Business Compliance
Sec. 58-10	Property / Land Requirements and Restrictions.
Sec. 58-11	Variance / Waiver.
Sec. 58-12	Permitting and Fees.
Sec. 58-13	Reserved.

Article II. Litter Control

Sec. 58-33	General prohibitions.
Sec. 58-34	Public dumpsters.
Sec. 58-35	Scavenging.
Sec. 58-36	Private litter control.
Sec. 58-37	Reserved.

Article III. Solid Waste Management

Sec. 58-61	Collection; permit required; exception.
Sec. 58-62	Private landfills.
Sec. 58-63	Public landfills.
Sec. 58-64	Transporting garbage in a manner likely to create hazard to the public health, safety or well-being prohibited.
Sec. 58-65	Applicability of article provisions.
Sec. 58-66	Prohibited acts.
Sec. 58-67	Prohibited waste.
Sec. 58-68	Materials destined for recycling.
Sec. 58-69	Permit by rule of collection, transportation and disposal.
Sec. 58-70	Biomedical waste.
Sec. 58-71	Asbestos.
Sec. 58-72	Liquid waste restrictions at sanitary landfills.
Sec. 58-73	Reserved.

Article IV. Classification of Refuse for Disposal

Sec. 58-103	Domestic refuse.
Sec. 58-104	Industrial waste.
Sec. 58-105	Building materials.
Sec. 58-106	Reserved.

Article V. Abandoned Motor Vehicle

- Sec. 58-124 Unlawful; disposal by county.
- Sec. 58-125 Abandoning vehicle on public property prohibited.
- Sec. 58-126 Abandoning on property adjacent to or abutting a public road.
- Sec. 58-127 Disposal at dumpster or landfill.
- Sec. 58-128 Enforcement.
- Sec. 58-129 Reserved.

SOLID WASTE ORDINANCE

ARTICLE I. IN GENERAL

Sec. 58-1. Purpose.

The Board of Commissioners of Fannin County, a political subdivision of the State of Georgia, hereby enacts this article in furtherance of its responsibility to protect the public health, safety, and well-being of the citizens of Fannin County, Georgia, and to protect and enhance the quality of the environment., to institute and maintain countywide rules and regulations controlling the spread of litter and to establish rules and regulations concerning solid waste management to assume that solid waste systems, whether privately or publically operated, do not adversely affect the health, safety, and well-being of the public and do not unduly degrade the quality of the environment.
(Ord. of 4-24-1990, art. I)

Additionally, the Board of Commissioners of Fannin County desire to make it known that the business and operation of Solid Waste Facilities and Properties is appreciated and acknowledged as a public service and legitimate business and further desires to encourage their enterprise while establishing these requirements for operation and establishment.

Sec. 58-2. Short title.

This chapter shall be known and may be cited as "The Solid Waste Ordinance of Fannin County, Georgia."
(Ord. of 4-24-1990, art. III)

Sec. 58-3. Definitions

When used in this chapter, the following words and phrases shall have the meaning given in this situation.

General. Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes the firm, corporation, association, organization, trust or partnership. The use of the masculine gender includes the feminine, and the use of the feminine gender includes the masculine. The word "shall" is always mandatory. The word "may" is permissive and is not mandatory. The term "commissioners" refers to the board of commissioners of Fannin County, Georgia. Reference is made herein to EPD definitions listed in EPD Section 391-3-4-.01 for further clarification and additional definitions. This Ordinance shall supersede any definition conflicts or changes.

Abandoned Property means wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements shall include, but not be limited to, wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, lawnmowers, washing machines, plumbing fixtures, furniture and any other similar articles.

Asbestos means any naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtonite-grunerite, amosite, riebeckite, crocidolite, anthophyllite, tremolite, and actinolite.

Bailing means a volume reduction technique whereby solid waste is compressed into bales.

Building materials means any material such as lumber, roofing material, brick, concrete block, plaster, gutter, sand, gravel or other substance used in the repair or alteration of existing buildings, or the demolition of existing buildings.

Buffer means a landscaped, open space and / or screen located between incompatible land uses for the purpose of blocking visible clutter, light, glare, noise, odor or similar separating uses through distance. That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established for the purpose of screening and separating properties with incompatible land uses, the width of which is measured from a common property line and extended to the developed portion of the property. A buffer consists of trees, shrubs, fencing, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossing.

Collector means the person or persons as defined herein who, under agreements, verbal or written, with or without compensation, does the work of collecting and/or transporting solid waste, from industries, office, retail outlets, businesses, institutions, and/or similar locations, from residential dwellings, provided however, that this definition shall not include an individual collecting and/or transporting wastes from his/her own single-family dwelling unit.

Composting means the controlled biological decomposition of organic solid waste.

Construction/ demolition waste means the waste building material and rubble resulting from the construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to wood, bricks, metal, concrete, asphalt, wall board, paper and cardboard.

County means the duly authorized governing body of Fannin County, Georgia, or the geographical area of Fannin County, Georgia, outside the corporate limits of any incorporated municipality therein.

Designated River Corridor in Fannin County means the Toccoa River, which is a water supply watershed protection area and is protected by the State of Georgia (see Chapter XI of the Land Development Ordinance for Fannin County).

Designated Streams in Fannin County means all streams (see Chapter IX, "Water Supply Watershed Protection" of the Fannin County Land Development Ordinance).

A disposal facility means any facility or location where any treatment, utilization, purchase, sale, processing or deposition of solid waste occurs. Any person, facility or business that engages in any, some or all of these activities as the primary means of use on that property or premises shall be acting and deemed to be a Solid Waste Handling Facility and shall, therefore, be governed by this Ordinance and shall be required to obtain a permit to function as such.

Disposal operation means the performance of solid waste disposal which includes administration, personnel, land, equipment, design and other elements necessary or used in the work of solid waste disposal.

Disposal Site means the location where the final deposition of solid waste occurs.

Dumpster means the bulk container used for the collection of garbage, refuse, trash and litter. The use of this term is generic, and does not refer to the bulk container manufactured by a specific manufacturer.

Fence means an enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary; means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees or other natural growth.

Fence – Solid means a fence including operable entrance and / or exit gates where access opening appear, through which no visual image can be seen.

Garbage means the byproduct of animal or vegetable foodstuff resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

Garbage bag means some plastic (or other similar nonporous material) bag or sack designed to contain garbage or household trash in a secure airtight manner. Such bags shall also include suitable means of closure to insure that the material contained therein is not exposed to the outside air.

Hazardous refuse means materials such as poisons, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

Household trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attended to housekeeping.

Incineration means the controlled process by which solid, liquid and gaseous combustible wastes are burned and changes into gases and residue produces which are relatively free of combustible materials.

Industrial waste means all waste, including solid, semisolids, sludge's and liquids, created by factories, processing plants or other manufacturing enterprises.

Inter waste landfill means a disposal site accepting only wastes that will not or are not likely to cause the production of leachate of environmental concerns. Such wastes are limited to dirt and dirt-like products, concrete, rock, bricks, yard trimmings, stumps, limbs and leaves. This definition excludes industrial and demolition waste.

Infectious waste means all biomedical wastes as defined in section 58-70.

Junk shall include, but not be limited to, lawnmowers, old and dilapidated automobiles, trucks, tractors and any other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, wiring, bottles, glass, computers, iron, machinery, rags, paper, mattresses, beds, or any other kind of scrap or waste material which is stored, kept, handled or displayed within County limits.

Junk vehicle includes an automobile, vehicle, trailer of any kind or type, or mechanical contrivance of part thereof, which is inoperative or junk condition by reason of its having been wrecked, dismantled or partially dismantled, inoperative, and which does not have a valid license plate; or which has been abandoned or discarded according to the definition of abandoned motor vehicle set forth in Official Code of Georgia Annotated, section 40-11-1. For the purpose of this definition, a vehicle is inoperative if it is incapable of movement by its own power, or if it remains in place for a period of more than seven days, and in neither case is within a carport or parking way and driveway.

Junk / Salvage Yard means any property involving the abandonment, parking, storage, purchase, sale or disassembly of junked or inoperable vehicles or junked machinery. The abandonment, storage, sale, or resale of used auto parts, tires, scrap metal, metal, used plumbing fixtures, kitchen equipment, used brick, wood, any other building material, structural material, used paper, rags or any other scrap material. Any person, facility or business that engages in any, some or all of these activities as the primary means of use on that property or premises shall be acting and deemed to be a Solid Waste Handling Facility and shall, therefore, be governed by this Ordinance and shall be required to obtain a permit to function as such.

Landfill means any facility where any treatment, utilization, processing, storage, purchase, sale or deposition of solid wastes occurs. Any person, facility or business that engages in any, some or all of these activities as the primary means of use on that property or premises shall be acting and deemed to be a Landfill Facility and shall, therefore, be governed by this Ordinance and shall be required to obtain a permit to function as such.

A leachate mean a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such wastes.

Leachate collection system means a system at a sanitary landfill for collecting the leachate which may percolate through the wastes and into the soil surrounding the landfill.

Liner means a continuous layer of natural or manmade materials, beneath or on the sides of a disposal site or disposal site cell which restricts the downward or lateral escape of solid waste, solid waste constituents, or leachate.

Litter means all garbage, refuse, waste materials, sand, gravel, slag, brickbat, rubbish, tin cans, trash, debris, dead animals, or any other discarded, used, or unconsumed substance which is not handled in accordance with the provisions of the chapter.

Monofill means a method of solid waste handling that involves the burial of one waste type or waste having very similar characteristics in a segregated trench or area which is physically separated from dissimilar or incompatible waste.

Nuisance means anything that meets the definition of the term as defined by O.C.G.A. 41-1-1 and which occurs during or as the result of the handling or disposing of solid waste.

Open dump means a disposal site at which solid waste from one or more source is consolidated and left to decompose burn or otherwise create a threat to human health or the environment.

Operator means the person having direct supervision of the daily field operations of a disposal site to insure that the site operates in compliance with the permit.

Permit means the authorization necessary to begin an activity under the provisions of this Ordinance.

Person means Fannin County or any agency or institution thereof, and any municipality, political subdivision, public or Private Corporation, special district empowered to engage in solid waste management activities, individuals, partnership, association or other entity in Fannin County. This term also includes any officer or governing or managing body of any municipality, political subdivision, special district empowerment in solid waste activities, or public or Private Corporation in Fannin County, Georgia, or any other county.

Processing operation means any method, system or other treatment designed to change the physical form or chemical content of solid waste and includes all aspects of its management (administration, personnel, land, equipment, buildings and other elements).

Public or private property means the right-of-way to any road, street, or highway; and any body of water or water source or the shores or beaches therefore; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands or forests.

Putrescible wastes means wastes that are capable of being quickly decomposed by micro organisms. Examples of putrescible wastes include, but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

Pyrolysis means the chemical decomposition of a material by heat in the absence of oxygen.

Reclamation means the controlled method of sorting and storing materials from solid wastes for future use in accordance with a procedure approved by the office of the board of commissioners.

Recycling means any process by which reclaimed materials or other materials which out otherwise become solid waste would be collected, separated, or processed and reused or return to use in the form of raw materials or products.

Recycling Center / Recycling Processing Center means any facility utilized for the purpose of collecting, sorting, purchase, sale, storing and / or processing materials to be recycled, including but not limited to, plastics, glass, paper, and all metal materials. Any person, facility or business that engages in any, some or all of these activities as the primary means of use on that property or premises shall be acting and deemed to be a Recycling Facility and shall, therefore, be governed by this Ordinance and shall be required to obtain a permit to function as such.

Road or street shall be mutually inclusive, and shall likewise be deemed to include any alley, lane, court and other thoroughfare, however described or designated.

Rubbish includes wastepaper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metal, cans, glass, packing material, and similar material.

Sanitary landfill means a disposal site where putrescible solid wastes are disposed of by means of placing an earth cover thereon.

Sanitary landfiling means an engineered method of disposing of putrescible solid wastes on land by spreading them in think layers, compacting them to the smallest practical volume, placing an earth cover there on and such other measures as are necessary to protect human health and the environment.

Scavenge or scavenging means any unauthorized or uncontrolled retrieval of discarded refuse materials.

Secondary metals recycler means any person who is engaged, from a fixed location or otherwise, in the business of paying compensation for ferrous or nonferrous metals that have served their original economic purpose, whether or not engaged in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of preparing grades and having an existing or potential economic value. Secondary metals recyclers shall be also governed by Senate Bill 82 effective, as Passed, on July 1st, 2009.

Shredding means the process by which solid waste is cut or torn into small pieces for final disposal or further processing.

Solid waste means putrescible and nonputrescible wastes, except water-carried body waste and materials destined for recycling and shall include garbage, rubbish (paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, crockery or dunnage), ashes, street refuse, dead animals, sewage sludge, animal manure, industrial waste (waste materials generated in industrial operations), residue from incineration, food processing wastes, demolition wastes, abandoned automobiles, dredging wastes, construction wastes, and any other waste material in a solid or semisolid state not otherwise defined herein.

Solid waste handling means the storage, collection, transportation, purchase, sale, treatment, utilization, processing, or disposal of solid wastes, or any combination thereof.

Solid waste handling facility means any location where any storage, collection, transportation, treatment, utilization, processing, purchase, sale or disposal of solid waste, or any combination thereof occurs. Any person, facility or business that engages in any, some or all of these activities as the primary means of use on that property or premises shall be acting and deemed to be a Solid Waste Handling Facility and shall, therefore, be governed by this Ordinance and shall be required to obtain a permit to function as such.

Solid waste handling permit means written authorization granted to a person by the office of the Board of Commissioners to engage in solid waste handling.

Solid waste management act or the act, wherever referred to herein, means O.C.G.A. 12-8-20.

Special solid waste means any solid waste not otherwise regulated under the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60 et seq., and regulation promulgated thereunder or originating or produced from or by a source or generator not subject to regulation under O.C.G.A. 12-8-27(g).

Transfer station means a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal site or processing operation.

Uppermost aquifer means the geologic formation nearest the natural ground surface this is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the solid waste handling facility property boundary. (Ord. of 4-24-1990, art. IV)

Wrecked Motor Vehicle Compound means an area used to store disabled vehicles until such time as their disposition (either by junk, salvage or repair) has been determined by the insurance company, the owner of the vehicle or his / her legal representative.

Sec. 58-4. Enforcing officers.

- (a) Any law enforcement personnel employed by the Fannin County sheriff's department shall be empowered to enforce the provision of this Ordinance.

- (b) The Board of Commissioners hereby names the employee of Fannin County who holds the title of solid waste management supervisor, Land Development Officials or Planning Commission members to serve as its designee for the purpose of reporting on and / or enforcing the provisions of said Ordinance.
- (c) The duly authorized designees of the board of commissioners, said person being the solid waste management supervisor or Land Development officials together with any law enforcement officer of the Fannin County sheriffs department, shall be authorized to issue citations to violators of any provision of the subject ordinance, or to the owner or any other persons who may be in possession of any property upon which any condition exists which constitutes a violation of any provision of this chapter. The form of said citation is attached hereto as "Exhibit A" and/or the Uniform Traffic Citation, by the adoption of the resolution from which this section is derived, approved by the Fannin County Board of Commissioners.

CITATION ISSUED IN VIOLATION OF "THE SOLID WASTE
ORDINANCE" of FANNIN COUNTY, GEORGIA

Citation #: _____
Date Issued: _____

Citation Issued to:

NAME: _____

Address: _____

VIOLATION: _____

HEARING:

A hearing on this matter has been scheduled for _____ at
_____ M., in the Magistrate Court for Fannin County, Georgia, at the Fannin
County Courthouse, West Main Street, Blue Ridge, Georgia.

A copy of this citation was served on _____

() the accused

() Adult at the home of the accused by the undersigned.

Date of Service: _____

Time of service: _____

Signature of person achieving service

(Ord. of 4-24-1990, § 9.0; Res. Of 10-13-1992)

Sec. 58-5. Penalty.

1. Any person violating this Ordinance, or any provision hereof, upon conviction, shall be punished as follows:
2. By fine of not less than \$410.00 and not more than \$1,000.00, per day and/or by imprisonment in the Fannin County jail for a period not to exceed 60 days or both.
3. In the sound discretion of a court in which conviction is obtained, the person may be directed to pick up and remove from any public street or highway or public right-of-way, for a distance not to exceed one mile, any litter disposed thereon by anyone else prior to the date of the execution of sentence; or
4. In the sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he/she has deposited thereon by anyone prior to the date of execution of sentence.
5. Records of conviction for violation of this chapter shall be a matter or public record
6. No person accused of violating this Ordinance shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the magistrate and required to post a bond for his/her future appearance (Ord. of 4-24-1990, § 9.1).
7. Upon determination, by the Fannin County Board of Commissioners, that a violation is occurring or has occurred, a notice will be delivered to the violating business, in writing. If the violation(s) are not corrected within Thirty (30) days from the date of the warning, penalties shall begin to accrue.

Sec. 58-6. Court proceedings.

- (a) Violations of this Ordinance shall be tried upon citations or accusations as described in section 58-4(d) and may be tried with or without a prosecuting attorney as well as upon accusation. The court attorney or another attorney designated by the board of commissioners shall serve as prosecuting attorney.
- (b) Violations of this Ordinance shall be tried in the magistrate court of Fannin County, Georgia, and shall be tried in accordance with the Official Code of Georgia, chapter 15-10.
- (c) Nothing in this article shall prevent the board of commissioners from bringing any civil action for injunction, mandamus or other proceedings to present, correct, or abate any violation of this Ordinance. No sanction, penalty or

remedy prescribed herein shall be considered exclusive of any other remedy by law.

- (d) Each violation of this Ordinance shall constitute a separate offense.
(Ord. of 4-24-1990, § 9.2)

Sec 58-7. Severability.

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared invalid for any reason, the remainder of the said chapter shall not be affected thereby.

(Ord. of 4-24-1990, § 10.0)

Sec. 58-8. Repeal of conflict ordinance.

All ordinance and parts of ordinances in conflict with this Ordinance are expressly repealed.

(Ord. of 4-24-1990, § 10.1)

Sec. 58-9. Existing Businesses Compliance

All solid waste areas, junkyards, salvage yards, used auto parts yards, recycling centers, transfer stations and solid waste transfer stations which are in existence in Fannin County prior to the enactment date of this Ordinance are required to and shall comply with all items within the following subsections of Sections 58.10: (4), (5), (7), (8), (9), (11), (12), (15), (16), (17) and (18), of this Ordinance within Twelve (12) months of the effective date of the enactment of this Ordinance.

Sec. 58-10. Property / Land Requirements and Restrictions

All new or applying solid waste areas, junkyards, salvage yards, used auto parts yards, secondary metal recyclers, recycling centers, transfer stations and solid waste transfer stations which are seeking location in Fannin County after the enactment date of this Ordinance are required to and shall comply with all items within Sections 58.10.

(1) Location

1. No property for this intended use shall be located 1) within five hundred (500) feet of a residential, commercial, retail, medical or educational use / area 2) on a hill / mountain crest, 3) within one thousand (1000) feet of a designated river corridor, 4) within one thousand (1000) feet of the designated Highway 515 development corridor or 5) within two thousand (2000) feet of a designated stream or body of water.
2. EPD guidelines for similar business adjacencies to designated rivers, steams and bodies of water shall govern.

(2) Minimum and Maximum Lot Size

1. Property for this intended use shall be limited to be no smaller than five (5) acres and be no larger than twenty-five (25) acres in each instance.

(3) Minimum Building Size

1. A minimum required building area of 10 Gross Square Feet (GSF) per acre shall be provided and shall meet applicable building codes.

(4) Setbacks

1. Front, rear and side yard setbacks for all operation of the business, including but not limited to storage, parking, office, loading / unloading and material handling area(s) shall be fifty (50) feet from all adjacent property lines and roads and shall be in addition to any required easement and / or right-of-way setback requirement(s).
2. Compacting, crushing or any similar operation shall be setback no less than fifty (50) feet from all adjacent property lines and roads and in addition to any required easement and / or right-of-way setback requirement(s) and shall be conducted on an impervious surface with spill containment, treatment and reclamation provisions.
3. Fencing requirement(s) shall be permitted, as required, along property lines and along any required easement and / or right-of-way setback requirement(s).
4. No parts of the facility operations, loading / unloading or storage of materials or scrap shall occur outside of these required setbacks or required fencing. Violation of this article, by the business operator or its customers, shall be grounds for a warning and daily penalties.

(5) Height Restrictions

1. Maximum scrap / material stacking, equipment or building height shall be twenty five (25) feet as measured from the finish grade at each location.
2. All OSHA requirements for working above grade shall be followed.

(6) Acceleration and Deceleration Lanes

1. Property shall be designed with appropriate acceleration and deceleration lanes per Georgia Department of Transportation Code from public right-of-way on any State Highway or any two-lane, paved or gravel, County Roadway.

(7) Natural Green / Evergreen Tree Buffer

1. Property development shall include a Twenty (20) foot wide, solid, Ten (10) foot tall (at time of installation) solid, natural Green / Evergreen Tree Buffer within the designated Setback area outside designated fenced areas or shall be fenced as required by this Ordinance.

(8) Parking Area(s) for Employees and Customers

1. Parking area(s) shall be provided at four (4) spaces per acre for the purpose of material drop-off and an additional one (1) space per 100 GSF of office area for business (including required ADA space(s)). One parking area is intended to be the sole staging or cueing area for the loading and unloading area and employee and customer parking.
2. Parking area(s) shall be designed by a registered and qualified civil engineer or geologist and meet applicable Georgia Department of Transportation,

Accessibility and Parking Standards, including proper signage and stripping (if paved).

3. Parking area(s) shall be screened from the public right-of-way and public view by fencing (see fencing section).
4. Parking area(s) shall be graveled or paved per Georgia Department of Transportation paving standards for heavy vehicles.
5. All parking area(s) shall be shown on the site plan for permitting.

(9) Loading and Unloading Area(s)

1. Loading and Unloading area(s) shall be provided in addition to the parking area(s) and be of sufficient area and radius to accommodate intended vehicles.
2. Loading and Unloading area(s) shall be screened from the public right-of-way by fencing (see fencing section).
3. Loading and Unloading area(s) shall be graveled or paved per Georgia Department of Transportation paving standards for heavy vehicles.
4. Loading and unloading area(s) shall be shown on the site plan for permitting.
5. Any mud or debris coming from the business onto Public roadways from Trucks or cars exiting the property shall be cleaned, at the business owner's expense, from Public roadways.

(10) Storm Water Retention / Detention Area(s)

1. A Hydrology report, detailing the seasonal depth to groundwater, shall be submitted with the application to permit.
2. Adequate Storm Water Retention / Detention area(s) shall be designed by a registered and qualified civil engineer or geologist per Georgia Code.
3. Storm Water Retention / Detention Area(s) shall be shown on the site plan for permitting.
4. All retained or detained storm water shall be treated and maintained to comply with the Georgia Clean Water Discharge Act.

(11) Fencing and Screening

1. The perimeter of said area(s) used for any and all purposes described in this Ordinance, running along property lines / setbacks or easements shall be provided with a visually solid, screening-type fence to a height of ten (10) feet or shall be provided with the Natural Green / Evergreen Tree Buffer as required by this Ordinance.
2. The required fence shall be constructed of materials, means and methods so as to provide a permanent, solid (top to bottom), structurally stable and attractive screen for the operations and materials contained within the property.
3. The required fence shall be maintained by the Owner to be kept free from visible penetrations or damage as seen from the exterior.
4. The required fence shall be of such a height so as to screen stored, handled and loaded / unloaded materials and parking areas from view from the outside adjacent property owners, public right-of-way(s) and property owners that have visual access to the property within a two hundred (200) foot radius from all property lines. However, no fence shall be required to be above ten (10) feet tall.
5. Fence design and engineering shall be submitted for review and approval prior to permit approval.

(12) Hours of Operation

1. Exterior, uncontained, noise-generating business operations shall not be limited to the hours of operation but may be restricted if deemed a public nuisance by the Fannin County Board of Commissioners.
2. Hours of said operations shall be posted at the access point(s) to the property.
3. A Building Permit, Site Plan, Inspections and a Certificate of Occupancy shall be required and obtained for these types of Businesses prior to beginning operations.

(13) Ground Water and Soil Testing

1. Prior to permitting, the Owner shall submit a baseline ground water and soil report, prepared by a registered and qualified engineer or geologist, to document existing conditions on the property.
2. Owner shall secure and present a ground water and soil testing report, prepared by a registered and qualified engineer or geologist, every six (6) month on the anniversary of the Certificate of Occupancy to quantify changes, if any, from the existing condition.
3. The Owner shall provide adequate ground cover vegetation or other ground water and soil protection measures as required by Georgia code to protect adjacent properties from contamination.

(14) Soil Erosion

1. In addition to required soil erosion precautions required during construction, the Owner shall provide adequate ground cover vegetation or soil erosion measures as required by Georgia and County code to protect adjacent properties from contamination and erosion.

(15) Fuels and Flammables

1. All materials intended for loading, unloading, storage or handling shall be free of fuels and flammable liquids.
2. Hazardous and other chemicals shall be promptly stored, labeled and certified for removal or recycled to comply with applicable environmental and safety regulations as instructed and regulated by the Georgia Environmental Protection Department (EPD) and the Federal Environmental Protection Agency (EPA).

(16) Odors

1. Properties found to be contributing to an uncontrolled festering of odors shall be subject to penalties.

(17) Rodent and Varmints

1. Stagnate Water shall not be allowed to accumulate.
2. Properties found to contribute to an uncontrolled festering of rodents and / or varmints shall be subject to penalties.

(18) Fire Suppression Access and Resources

1. Property shall be designed to accommodate Fire Department Vehicles ingress / egress, turning radii, drive aisles and property access per NFPA, State and local Codes.
2. Fire Suppression access area(s) shall be designed by a registered and qualified civil engineer per Georgia Code.

3. Fire Suppression access area(s) shall be shown on the site plan for permitting.
4. Fire Extinguishing Resources (Water, etc.) shall be designed and provided on site as determined by local fire management professionals.

Sec. 58-11 Variance / Waiver.

1. A variance and / or waiver to any of the requirements and restrictions of Section 58.10 may be requested. The process for applying for said variance and / or waiver shall be to submit said request to the Fannin County Board of Commissioners, in writing, 30-days prior to any action. The Fannin County Board of Commissioners shall have time to review, discuss, visit and make recommendation. The Fannin County Board of Commissioners shall grant, deny or amend the recommendation and shall pass final judgment and all requested variance and / or waiver.

Sec. 58-12 Permitting and Fees.

1. All new businesses being defined within this Ordinance shall apply to the Fannin County Land Development Department for a permit to operate said business within Fannin County.
2. The application for permit shall include a site plan showing all requirements and restrictions listed in Section 58-10, erosion and sediment control plan, a location showing the surrounding one radius mile area, an EPD approved plan of operation and identification of compliance with any EPD requirement.
3. A Fee of \$ 250 per acre shall be assessed to process, review and evaluate the permit application. This Fee shall be refunded if permit is denied and is applicable upon application of new businesses, any new locations or expansion of any existing business.

Sec. 58-13 Reserved.

ARTICLE II. LITTER CONTROL

Sec. 58-33. General Prohibitions.

(a) Dumping on public or private property prohibited; exceptions. It shall be unlawful for any person or persons to dump, deposit, throw, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any road or street or any public or private property in Fannin County, unless:

- (1) The property is designated by the state of Georgia or Fannin County or by any of their agencies for the disposal of litter and the person is authorized by the proper public authority to use such property.
- (2) The litter is placed into the litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter; or
- (3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in manner consistent with the public welfare.

(b) *Public streets and private property.* No person shall place any accumulations of litter or household trash in any street, median strip, alley or other public place of travel, nor upon any private property, except with the written consent of the owner thereof, and then only in accordance with the provisions of this chapter.

(c) *Blockage of storm drains or draining ditches.* No person shall place any refuse, trash, refuse receptacles, or containers on, over, or near any storm drain or draining ditch, or so close thereto as to cause such material to interfere in any way with such drainage.

(d) *Unauthorized storage.* Any accumulation or refuse or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by the chapter is hereby declared to be a nuisance. Failure of the owner or occupant to remove and correct any such accumulation of refuse after appropriate notice from the commissioner of his/her designee shall raise the presumption that such person intended to violate this chapter.

(e) *Appliances.* It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator, or other containers which has an airtight snap lock or similar device without first removing there from the lock or door. This section shall not apply to any appliance, refrigerators or containers which have been placed adjacent to the rear of the building and which has been crated, strapped or locked so that it will be impossible for a child to obtain access to any compartment thereof.

(f) *Transportation of loose materials.* It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without suitable covers securely fastened to the vehicle, provided that the transported materials present a danger of falling from the vehicle. This section shall apply to the transportation of any garbage, refuse, litter, household trash or other material of any kind to any disposal site, which includes but is not limited to any dumpster or sanitary landfill. This section shall not apply to the transportation of poultry, livestock, silage, or other feed grain used in the feeding of poultry or livestock.

(g) *Accumulation of used tires.* No person shall accumulate used vehicle tires in such a manner as to pose a danger to the public health, safety and welfare. Any used tires accumulated on site shall be kept dry, covered and free from mosquitoes and other flying, disease spreading insects. Tires of any description will not be placed in dumpsters under any circumstance. Tires will only be placed in the county landfill at designated locations.

(Ord. of 4-24-1990, § 5.0)

Sec. 58-34. Public dumpsters

(a) *Location.* The Board of Commissioners may designate areas in Fannin County where dumpsters, intended to be for public use, may be located and maintained. These dumpsters may be located on public property, along the right-of-way of public roads or streets, or on private property with the express written consent of the owner and tenant in legal possession of the property, and may be located in such a manner that there

is a minimum danger of the spread of noxious odors and the detrimental effect on the environment in minimal.

(b) *Use by Fannin County residents; unlawful deposits; signs.* It shall be unlawful for any person or persons of Fannin County, Georgia, to place or deposit any garbage, refuse, litter, household trash or other material of any kind, not generated within the boundaries of Fannin County, Georgia, in these dumpsters. There shall be located on each dumpster a placard or sign, or a placard or sign shall be posted in an area near a dumpster, visible to persons depositing garbage, stating that said dumpsters are solely intended for the use of residents of Fannin County, Georgia, and that it is unlawful to deposit any thing other than garbage or household trash therein.

(c) *Industrial waste, building materials and commercially collected garbage.* It shall be unlawful to place or deposit industrial waste or building materials or commercially collected garbage in public dumpsters unless they are specifically designated for such use by the board of commissioners or its designee.

(d) *Hazardous refuse.* It shall be unlawful to place or deposit any hazardous refuse of any kind in the dumpsters.

(e) *Hospitals and health care units.* All used hypodermic needles should not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. Once used, hypodermic needles should be put into a puncture resistant container for disposal by the on-site incinerator at the Fannin Regional Hospital.

(f) *Ashes.* Ashes deposited in the dumpsters shall not be permitted.

(g) *Combustible liquids.* No highly combustible liquid shall be placed or deposited in the dumpsters.

(h) *Noxious or toxic materials.* No material or substance governed or regulated as a noxious or toxic material by any governmental agency or which would pose a hazard to the health, safety and well-being of the collection personnel or residents of Fannin County, or which would pose a danger to the wildlife of the county, shall be placed or deposited in the dumpsters.

(i) *Garbage or trash to be bagged.* It shall be unlawful to place or deposit any garbage or household trash in the dumpster without first placing and securing such in a garbage bag of suitable strength and thickness. Objects which could puncture the garbage bag in the course of ordinary and intended use thereof shall be wrapped or protected so that the bag shall remain intact.

(j) *Placement of trash on ground adjacent to container.* It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to the dumpster or in any location other than the dumpster. Any person using the dumpster shall clean up any spills caused by his / her use of the dumpster and shall not drop or discard any garbage or household trash in the area surrounding the dumpster. A fine of One Hundred Dollars (\$100) shall be assessed if convicted for each first time offense.

(k) *Dead animals.* Dead animals shall not be placed or deposited in the dumpster.

(Ord. of 4-24-1990, § 5.1)

Sec. 58-35. Scavenging

It shall be unlawful for any person to scavenge, disturb, or in any way interfere with the contents of any public dumpster or any public landfill or public waste disposal area.

(Ord. of 4-24-1990, § 5.2)

Sec. 58-36. Private litter control.

(a) Every owner, occupant, tenant and lessee using or occupying any commercial, institutional, or industrial building or property shall be obliged, jointly and severally, to provide litter containers of the character, size, number and type as may be required to hold litter generated by operations of the premises. Specifically, and without limiting the generality of the foregoing, the requirements for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges and churches or property thereof.

(b) Every owner and every operator of a private or commercial parking lot shall provide litter containers of adequate size, character and number as specified by the Board of Commissioners, or its designee, to contain the litter generated by the operations of that parking lot.

(c) Property owners and prime contractors in charge of a construction site shall be jointly and severally required to furnish litter containers for discarded building materials and other construction litter. All litter from construction and related activities shall be containerized and shall be picked up and placed in containers at the end of each workday.

(d) The owner, occupant, and lessee of all property, jointly and severally, are required to remove all litter and place the same in proper containers, and vacant lots, boarders, parking lots, embankments, fencing, walls and sidewalks shall be kept free of litter by those persons. Parking lots, shopping centers, convenience stores, drive-in restaurants and all other commercial and industrial enterprises shall see to it that their respective properties are kept litter free.

(Ord. of 4-24-1990, § 5.3)

Sec. 58-37 Reserved.

Article III. Solid Waste Management

Sec. 58-61. Collection; permit required; exception.

It shall be unlawful for any person to collect refuse within the County except for his / her own residence, business or individual plant, without first having obtained a proper permit for the Georgia Department of Natural Resources and without first having obtained a Fannin County Solid Waste Business permit from the Land Development Office of Fannin County, which is governed by this Ordinance.

(Ord. of 4-24-1990, § 6.0)

Sec. 58-62. Private landfills.

(a) Permits required; application. It shall be unlawful for any person to operate a landfill, waste disposal area, or waste storage area intended to be used by the owner or used by others for the disposal or storage of waste without first having filed the proper application for a special use permit with the Fannin County Board of Commissioners. The owner of any landfill must also obtain a proper permit from the Department of Natural Resources Environmental Protection Division, Chapter 391-3-4, Solid waste management.

(b) Issuance of permit; compliance with federal, state and county laws. No permit shall be issued by Fannin County until the applicant has shown, to the satisfaction of the Board of Commissioners or its designee, that all federal, state, and County regulations and ordinances will be complied with in the operation and management of the landfill, waste disposal area, or waste storage area, and that the locations of said landfill, waste disposal area, or waste storage area is such that there is no or minimal detriment to the environment, including, but not limited to, noxious odors, runoff, or contamination of surface water and groundwater, to that the maximum protection is afforded to the health, safety and well-being of the citizens of Fannin County.

(c) Maintenance of site. It shall be the duty and responsibility of the owner of any private disposal site to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.

(d) Inspections by County. The Board of Commissioners shall designate County employees and its designees shall have the right to enter a private disposal site at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this article and all other pertinent laws and regulations of Fannin County. (Ord. of 4-24-1990, §6.1)

Sec 58-63. Public Landfills.

(a) Location; compliance with federal and state laws. Fannin County, through the Board of Commissioners, may operate and maintain public landfills located on County owned or leased property and in compliance with all applicable state and federal laws and regulations.

(b) Directional Signs to be posted. Public sites approved for the disposal of refuse shall be identified by appropriate directional signs posted near the roadside and at the location of the Fannin County Sanitary Landfill.

(c) Maintenance; opening of new sites. Such sites shall be maintained while in use until permanently closed, at which time additional authorized sites shall be opened and publicized by posting notices and through public advertisements.

(d) Restrictions on types of refuse. The Board of Commissioners may restrict certain sites or portions thereof to a specific type or types of refuse.

(e) Commercial collections. Commercial collections, including yard maintenance men, may use the public designated sites.

(f) Fee. Residents of Fannin County, other than commercial collectors, may use public sites upon payment of a fee, if any, to be set by the Board of Commissioners, in accordance with the regulations for the particular site and under the instructions of the site attendant.

(g) Refuse generated outside County. No refuse generated outside Fannin County will be accepted at any disposal site.

(h) Hours of Operation. Authorized public disposal sites shall be operated Monday through Saturday of each week, with the exception of holidays during the hours designated by the Board of Commissioners or its designee.

(i) Attendant required to be present; deposited material becomes property of the County. No person shall enter a disposal site except when an attendant is present and during the hours and days stipulated by the Fannin County Board of Commissioners. All material delivered and deposited in a disposal site shall immediately become the property of Fannin County.

Sec. 58-64. Transporting garbage in a manner likely to create hazards to the public health, safety or well-being prohibited.

No person shall engage in solid waste handling or transportation of garbage in a manner which will likely create a nuisance or litter the land, roads or streets of Fannin County; be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the groundwater or surface water; impair the quality of the environment; or likely create other hazards to the public health, safety or well-being as may be determined by the Fannin County Board of Commissioners. (Ord. of 4-24-1990, § 6.3(1))

Sec. 58.65. Applicability of article provisions.

Provisions of this article shall apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling. (Ord. of 4-24-1990, § 6.3 (2))

Sec. 58-66. Prohibited acts.

The following acts are prohibited:

- (1) Burning. No solid waste may be burned at a solid waste handling facility, disposal site or processing operation.
- (2) Open Dump. No solid waste may be disposed of by any person in an open dump, nor shall any person cause, suffer, allow or permit open dumping on his property.

(Ord. of 4-24-1990, § 6.3 (3))

Sec. 58-67. Prohibited Wastes.

If, because of unusual physical or chemical properties, or geological or hydrological conditions, or for other reasons, the Fannin County Board of Commissioners finds that solid waste should be accepted at a solid waste handling facility, the Fannin County Board of Commissioners may require that such waste be prohibited, and that a proposal for disposal of such waste, with supporting data as may be deemed necessary, be submitted by the originator of such waste for consideration of approval by the Fannin County Board of Commissioners, and the prohibition of such waste shall continue in effect until an acceptable procedure for processing of disposal has been developed and approved. (Ord. of 4-24-1990, § (6.3 (4))

Sec. 58-68. Materials destined for recycling.

- (a) Exemption from article requirements. Materials which are destined for recycling, including but not limited to glass, paper, metal, plastic, rubber are excluded from this article as solid wastes. To be considered exempt from this article, the material must be processed to recover the usable product, employed as an ingredient in an industrial process to make a product, or employed in a particular function or application as an effective substitute for a commercial product.
- (b) Materials accumulated speculatively. Materials accumulated speculatively are solid waste and must comply with all applicable provisions of this article.
- (c) Materials not accumulated speculatively. A material is not accumulated speculatively if the person accumulating it can show that during the calendar year (commencing on January 1) the amount of material that is recycled equals at least 60 percent by weight or volume of the material accumulated at the beginning of the period.
- (d) Proof of recycling. Proof of recycling shall be provided in the form of manifests, bills of sale, or other records showing adequate proof of movement of the material in question to a recognized recycling facility from the accumulation point.

(Ord. of 4-24-1990, § 6.3 (5))

Sec. 58-69. Permit by rule for collection, transportation and disposal.

(a) Responsibility for collection. The owner or occupant of any premises, office, business establishment, institution, industry, or similar facilities shall be responsible for the collection and transportation of all solid waste accumulated at the premises, office, business establishment, institution or similar facility to a solid waste handling facility operating in compliance with this article unless arrangements have been made for such service with a collector operating in compliance with this article.

(b) Permit by rule. Notwithstanding any other provision of this article, the following collection, transportation, and disposal operations shall be deemed to have a solid handling permit if the conditions listed are met:

(1) Notification. Within 30 days of the effective date of the ordinance from which this article is derived or of commencing solid waste handling activities which are covered under a permit by ordinance, notification must be made to the Fannin County Board of Commissioners of such activity. Notification shall be made on such forms as are provided by the Fannin County Board of Commissioners. Persons failing to notify the Fannin County Board of Commissioners of such activities shall be deemed to be operating without a permit.

(2) Collection operations.

a. Vehicle construction. Vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or rubbish containing such wastes, shall be covered, substantially leak proof, durable, and of easily cleanable construction.

b. Vehicle maintenance. Solid waste collection and transportation vehicles shall be cleaned frequently to prevent threats to human health and shall be maintained in good repair.

c. Littering and spillage. Vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom and shall be covered when necessary to prevent the blowing or falling of material from the vehicle.

d. Hazardous waste. No regulated quantities of hazardous wastes may be collected and transported except in accordance with the provisions of the Georgia Hazardous Waste Management Act.

e. Wastewater from the cleaning vehicles. All wastewater from the cleaning of vehicles must be handled in a manner which meets all applicable environmental laws and regulations.

f. Deposit in permitted handling facility. All collected solid waste must be deposited only in a permitted solid waste handling facility authorized to receive the applicable waste types.

(3) Transfer Stations.

- a. Solid Waste to be confined to interior; maintenance. Solid waste shall be confined to the interior of the transfer stations, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.
- b. Sewage solids excluded. Sewage solids shall be excluded from transfer stations and shall be transported directly to the disposal facility, disposal site or processing operation.
- c. Dust, odors, etc. Dust, odors and similar conditions resulting from transfer operations shall be controlled at all times.
- d. Rodents, pests, etc. Rodents, insects and other such pests shall be controlled.
- e. Contaminated runoff washes water. Any contaminated runoff wash water shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by Fannin County Board of Commissioners.

(4) Hazardous waste.

- a. No person owning or operating a transfer station shall cause, suffer, allow, or permit the handling of regulated quantities of hazardous waste to be stored in or pass thru Fannin County without giving Thirty (30) day prior notice to the Fannin County Board of Commissioners so they may take action upon such matter prior to Hazardous waste being allowed into or stored in Fannin County.

(5) Inert waste landfill operation.

- a. Only dirt, concrete, rocks, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert waste landfill. No industrial or demolition wastes may be accepted.
- b. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume.
- c. A uniform compacted layer of clean cover no less than one foot in depth shall be placed over all exposed inert waste material at least monthly.
- d. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
- e. Access to inert waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.
- f. Suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory firefighting material.

g. A uniform compacted layer of final cover not less than two feet in depth and a Vegetative cover shall be placed over the final lift not later than one month following final placement of inert waste within that lift.

h. Notice of final closure must be provided to the Fannin County Board of Commissioners within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of this article unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

(Ord. of 4-24-1990, § 6.4)

Sec. 58-70. Biomedical waste.

(a) *Defined.* Biomedical waste means and includes the following:

- (1) Pathological waste, which means all recognizable human tissues and body Parts which are removed during surgery, obstetrical procedures, autopsy, and laboratory procedures.
- (2) Biological waste, which means bulk blood and blood products, exudates, Secretions, suctioning, and other bulk body fluids which cannot or are not directly discarded into a municipal sewer system.
- (3) Cultures and stocks of infectious agents and associated biologicals including Cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.
- (4) Contaminated animal carcasses, body parts, their bedding, and other wastes from such animals which have been exposed to infectious agents, capable of causing disease in man, during research, production of biologicals, or testing of pharmaceuticals.
- (5) A sharp, which means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.
- (6) Chemotherapy waste, which means any disposable material which has come in contact with cytotoxic/antineoplastic agents (agents toxic to cells) and/or antineoplastic agents (agents that inhibit or prevent the growth and spread of tumors or malignant agents.) Such waste includes, but is not limited to, masks, gloves, gowns, empty IV-tubing bags and vials, and other contaminated materials. The above waste must first be classified as empty which means such quantity that it is not subject to other federal or state waste management regulations prior to being handled as biomedical waste.

- (7) Discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, that were in contact with infectious agents.

(b) Generation of biomedical waste.

- (1) This section shall apply to all facilities generating regulated quantities of biomedical waste, including but not limited to: clinics, dental offices, funeral homes, health maintenance organizations (HMOs), hospitals, laboratories, medical buildings, physicians offices, spas, veterinary offices, research and manufacturing facilities, nursing homes, and blood banks.
- (2) In no case shall a person be a generator of biomedical waste if those wastes are generated from single-family residential premises or a single-family dwelling unit and disposed of as residential solid wastes.
- (3) The importation for transfer, terminal storage or disposal of medical or biomedical or biohazardous waste within the geographic limits of Fannin County, a political subdivision of the State of Georgia shall be prohibited.

(c) Storage and containment of biomedical waste.

- (1) Containment of biomedical waste shall be in a manner and location which Affords protection from animals, rain and wind, does not provide a breeding place or a food source for insects and rodents, and minimizes exposure to the public.
- (2) Biomedical waste shall be segregated by separate containment from other waste at the point of origin.
 - a. Biomedical waste, except for sharps, shall be placed in containers which are impervious to moisture and have strength sufficient to preclude ripping, tearing, or bursting under normal conditions of use. The containers shall be securely closed so as to prevent the leakage or expulsion of solid or liquid wastes during storage, handling, or transport.
 - b. Sharps shall be contained for storage, transportation, treatment and subsequent disposal in leak proof, rigid puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.
- (3) Rigid containers of discarded sharps and all other disposable containers used for the containment of biomedical waste shall be red or orange in color or clearly identified with the universal biohazard symbol or clearly marked with the word "Biohazard."
- (4) Biomedical waste contained in disposable containers as prescribed above shall be placed for storage, handling, or transport in disposable or reusable pails, cartons, boxes, drums, dumpsters, or portable bins. The containment

system shall have a tight fitting cover and be kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the universal biohazard symbol and the word "Biohazard" on the sides so as to be readily visible from any lateral direction when the container is upright.

- a. Reusable containers used for the shipment of biomedical waste to a treatment facility of a permitted sanitary landfill shall be thoroughly washed and decontaminated each time they are emptied unless the surfaces of the containers have been protected from contamination by disposable liners, bags, or other devices removed with the waste.
- b. Reusable pails, drums, dumpsters or bins used for the containment of biomedical waste shall not be used for other purposes except after being decontaminated by procedures as described in this subsection and after the universal biohazard symbol and word "Biohazard" are removed.

(d) Transfer of biomedical waste to off-site treatment or disposal facilities.

- (1) Any generator of biomedical waste shall transfer custody of the waste only to a collector who is operating under authority of this section.
- (2) Biomedical waste shall not be transported in the same vehicle with other solid Waste unless the biomedical waste is contained in a separate, fully enclosed leak proof container within the vehicle compartment or unless all of the waste is to be treated as biomedical waste in accordance with the requirements of this chapter.
- (3) Biomedical waste shall be delivered for storage, including intermediate transfer, and treatment only to a facility or location for which there is a valid and appropriate operating permit as set forth in this section.
- (4) Surfaces of transport vehicles that have contacted spilled or leaked biomedical waste shall be decontaminated.
- (5) Packaged biomedical waste may not be compacted or shredded prior to delivery to the treatment or disposal facility unless such compaction or shredding is in conjunction with chemical or other treatment which renders the waste noninfectious.

Sec. 58-71. Asbestos

(a) Collection.

- (1) Vehicles used for the transportation of containerized asbestos waste shall have an enclosed carrying compartment or utilize a covering sufficient to contain the transported waste, prevent damage to containers, and prevent release or spillage from the vehicle.

- (2) Vehicles used to reduce waste volume by compaction shall not be used because containers may rupture.
- (3) Vacuum trucks used to transport waste slurry must be constructed and operated to insure that water does not leak from the truck.

(b) Disposal.

- (1) Asbestos waste is not allowed to be stored, disposed or contained in Fannin County.

(Ord. of 4-24-1990, § 6.6)

Sec. 58-72. Liquid waste restrictions at sanitary landfills.

One hundred eighty days after the effective date of the Ordinance from which this section is derived, the following restrictions will apply:

- (1) Liquid waste, either bulk or containerized, shall not be placed in a sanitary landfill except as otherwise provided in this section.
- (2) If liquid waste is demonstrated nonhazardous and is admixed with a bladeable material into a bladeable form, it is acceptable for disposal at a sanitary landfill with the concurrence of the sanitary landfill operator.
- (3) Gas condensate and recirculated leachate disposal at sanitary landfills and Treatment Plants may be approved on a case-by-case basis by the Fannin County Board of Commissioners if sufficient evidence is provided to the Fannin County Board of Commissioners to warrant such disposal.

(Ord. of 4-24-1990, § 6.7)

Sec. 58-73. Disallowed Locations.

(a) No solid waste areas, junkyards, salvage yards, used auto parts yards, recycling centers, transfer stations, Construction / Demolition Transfer Station, Landfill and solid waste transfer stations or any other such business shall be located within 5,280 feet (one mile) of a School, Public Park, Childcare Facility, Hospital, Church, Residential Subdivision, designated Forest, Waterway or Scenic Landmark.

(b) Distance of 5,280 feet (one mile) shall be measured by the shortest distance from any point between properties.

Sec. 58-73 Reserved

Article IV. Classification of Refuse Disposal

Sec. 58-103. Domestic refuse.

The following types of refuse shall be classed as domestic refuse and shall be accepted for disposal:

- (1) Garbage.
 - (2) Business trash.
 - (3) Refuse.
 - (4) Household trash.
- (Ord. of 4-24-1990, § 7.0)

Sec. 58-104. Industrial Waste.

The following types of waste shall be classified as industrial waste and shall not be accepted for disposal:

- (1) Industrial waste.
 - (2) Hazardous refuse.
- (Ord. of 4-24-1990, § 7.1)

Sec. 58-105. Building materials.

Building materials, if presented to the county for disposal, may be accepted for disposal upon such terms and conditions as may be determined by the Board of Commissioners or its designee and specific locations within the landfill may be designated for the disposal of building materials.

(Ord. of 4-24-1990, § 7.2)

Sec. 58-106 Reserved.

ARTICLE V. ABANDONED MOTOR VEHICLES

Sec. 58-124. Unlawful; disposal by county.

It shall be unlawful to abandon any motor vehicle as provided in Official Code of Georgia Annotated. Any motor vehicle abandoned within Fannin County shall be disposed of by the proper authorities.

Sec. 58-125. Abandoning vehicle on public property prohibited.

The dumpster regulation of and ordinance of Fannin County is incorporated herein for purposes of enforcement. It shall be unlawful to park or let stand any junk vehicle or abandoned vehicle on public property or within Ten (10) feet of a county or state road located within Fannin County.

(Ord. of 4-24-1990, § 8.0(2))

Sec. 58-126. Abandoning on property adjacent to or abutting a public road.

It shall be unlawful for any person to maintain or keep any junk vehicle on any property adjoining or abutting any public road, street or other public property within the unincorporated portions of Fannin County, and visible from such public road, street, way or other public property. Said abandoned or junk vehicle shall be screened from public view or removed.

(Ord. of 4-24-1990, § 8.0(3))

Sec. 58-127. Disposal at dumpster or landfill.

It shall be unlawful to dispose of a junk vehicle or an abandoned vehicle in or at a dumpster or at any sanitary landfill.

(Ord. of 4-24-1990, § 8-0(4))

Sec. 58-128. Enforcement.

The enforcement provisions of this chapter as they apply to junk vehicles are not exclusive, but shall be in addition to any other regulations and regulatory codes of the State of Georgia or Fannin County. A fine of One Hundred Dollars (\$100) per vehicle, per incident shall be assessed, to the property and vehicle Owner, for each week an abandoned or junk motor vehicle is not screened or removed.

(Ord. of 4-24-1990, § 8.0(5))

Sec. 58-129. Reserved.

This Ordinance shall take effect June 10, 2009